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The Editors, WFB

Byron York on the clownish ALAN DERSHOWITZ

NATIONAL REVIEW

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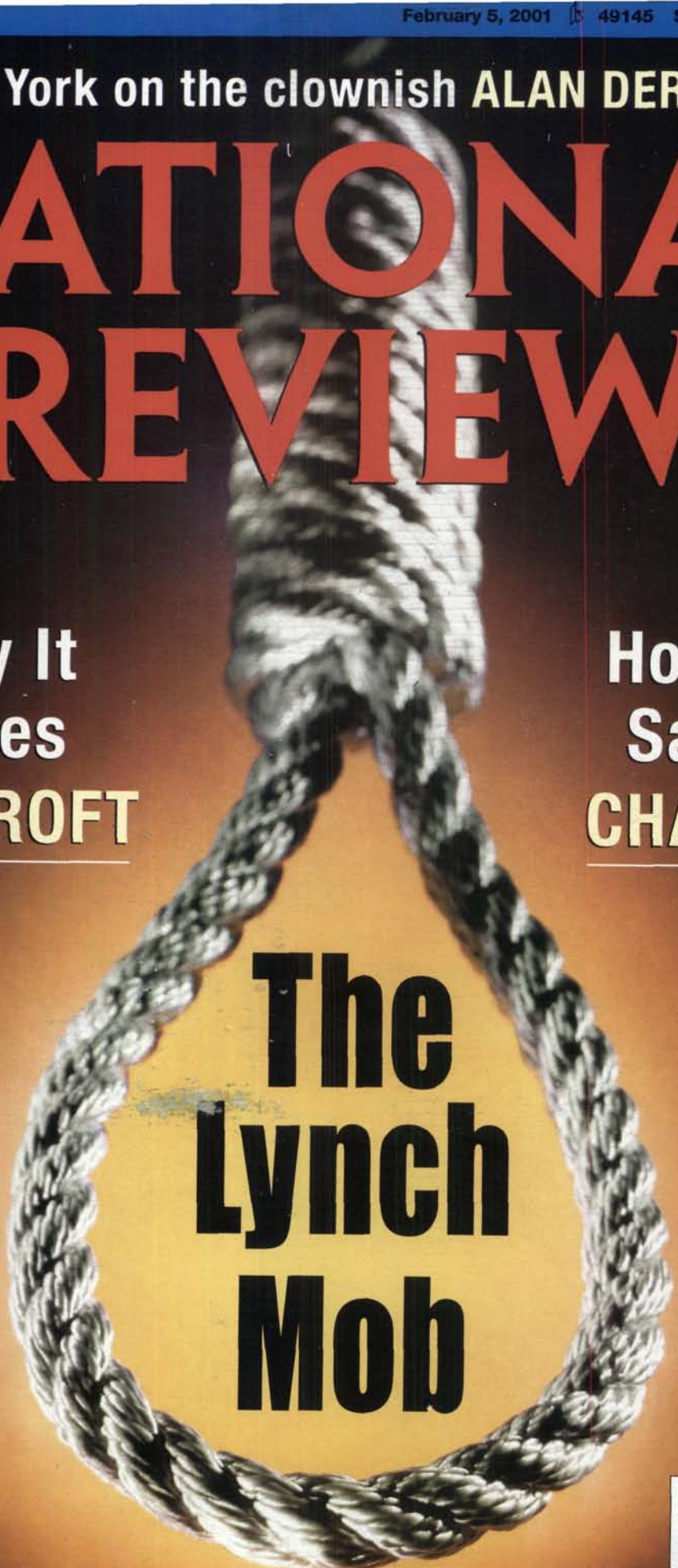
How It Sank CHAVEZ



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NATIONAL REVIEW

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■ LETTERS ■

TWO OF A KIND

Jay Nordlinger's excellent piece ("Orthodox Democrat," Dec. 31) on Joe Lieberman's pathetic and contemptible descent into moral obsequiousness —rivaled only by that of that other purveyor of righteous but impotent indignation, Daniel Patrick Moynihan—resurrects for me a classic Buckleyism that once indicted India as the world's "motherlode of moral hypocrisy." I think that dubious distinction can now be shared by Messrs. Lieberman and Moynihan: Conviction sans courage can only lead to contempt.

Barry O'Connor
Herndon, Va.

RENO'S LAW

Regarding your Jan. 22 editorial "To Ashcroft or Not to . . . ," I find it striking that the most intense concern professed by liberals is that Sen. Ashcroft will not enforce laws that are contrary to his personal beliefs.

Given eight years of Janet Reno, it is obvious that liberals are uneasy that Republicans might want a turn at upholding or manipulating only those laws that suit their fancy. Maybe the retort to "Ashcroft won't enforce the law" should be "Don't worry, he'll be just like Janet Reno."

Lyle Caddell
Springfield, Va.

GRAND OLD WIMPS

John O'Sullivan has hit the nail on the head with his article "Losing in Advance" (Dec. 31). Unfortunately for us, things don't appear to be changing anytime soon.

A perfect example of O'Sullivan's point is the way Senate majority leader Trent Lott fell for a power-sharing scheme with the Democrats. Does he actually believe that if the shoe were on the other foot, his counterpart, Tom Daschle, would be saying anything about power-sharing with the Republicans?

If Senate Republicans don't learn that politics is war, and fight tooth and nail like the Dems do, then we're more quickly becoming John O'Sullivan's Party o' Wimps.

Harvey L. Wagner III
Gardendale, Ala.

KEYES TO THE KINGDOM

Tell me, please, why conservative pundits find it so necessary to shoot down those who actually put their money, and reputations, where their mouths are and espouse in political races those very ideas that the pundits themselves have courage to espouse only in print? I speak primarily of Alan Keyes, who has once again been assaulted in the pages of NR.

In "This We Must Do" (Jan. 22), Ramesh Ponnuru puts forth a very sensible proposal for what he calls a "new framework for conservatism," which, although it is not really "new," is still good. It also happens that everything in his framework has been espoused by Keyes in his campaigns for president. Yet Ponnuru tells us essentially that anyone who supported Keyes was not taking politics seriously but rather was engaging in "primal-scream therapy and escapist fantasies." If Keyes espouses the same ideas as does Ponnuru, and Ponnuru denigrates Keyes, how then should I take Ponnuru?

At the same time, Mr. Ponnuru tells us that President-elect Bush probably does not have the conservative instincts to press for this "new framework." I guess with the pundits, it's damned if you do and damned if you don't.

Until conservatives shake this nasty habit of skewering their own, they will never retake this country.

Paul Ashley
Wheaton, Ill.

NO TIME FOR DEFEATISM

In "A Success Guide" (Jan. 22), Daniel Casse writes: "The congressional Republicans got creamed in 1982, as they surely will in 2002." Isn't this a defeatist attitude? I see no reason to cede control of the Senate and House back to the Democrats in 2002. Republicans should stop being so nice, trying to make liberals like them, and instead advance their message, regardless of what liberals say. Hasn't that always been the Democratic way?

George A. Zanis Jr.
White Plains, N.Y.

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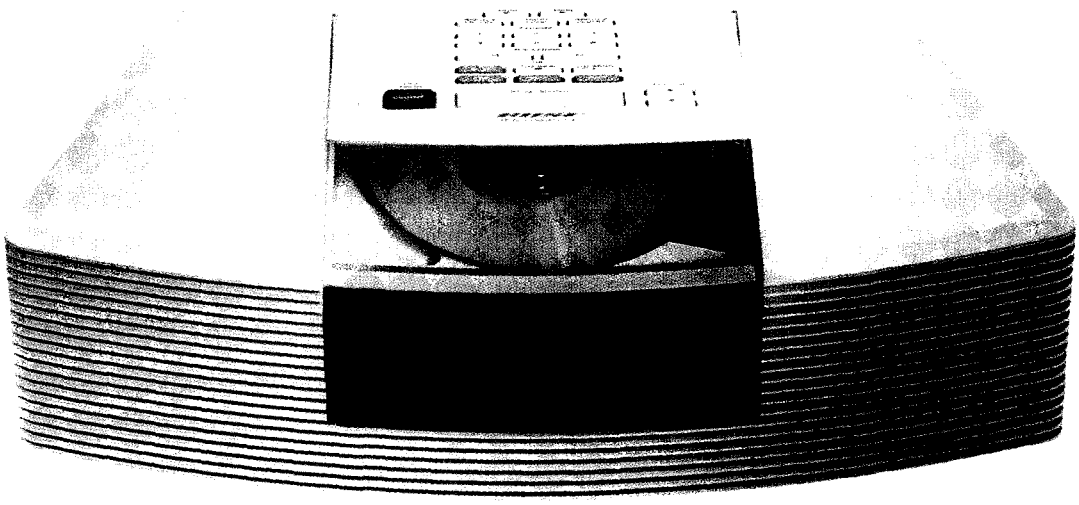

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■ FOR THE RECORD ■

■ President **Clinton** analyzes election: "They thought the election was over, the Republicans did. By the time it was over, our candidate had won the popular vote, and the only way they could win the election was to stop the voting in Florida." . . . Attorney General **Janet Reno**, on what she learned from watching film on **Hitler**'s rise to power: "We've seen how one vote can count. . . . We must realize that everyone must participate and speak up and not stand on the sidelines." . . . Bush, on what he's currently reading, in *USA Today*: "You're not going to believe this, but a biography of **John Q. Adams**. Ever since the old man called me 'Quincy,' I was trying to find out more about the man."

■ Rep. **J. C. Watts** (R., Okla.), on Rep. **Maxine Waters** (D., Calif.) accusing attorney-general nominee **John Ashcroft** of racism: "Anything that's Republican and white to Maxine Waters, they're going to be racist. Anything short of having Senator **Ted Kennedy** or **Fidel Castro** as attorney general is not going to be acceptable to some people. It is a sad commentary on our system that we try to paint people as racist who disagree with us." . . . In confirmation hearings, defense-secretary nominee **Donald Rumsfeld** calls 1972 ABM treaty "ancient history." . . . In Pew poll, 57 percent can't name any member of Bush cabinet.

■ In CNN/*USA Today* poll, 52 percent support Bush's tax-cut plan, but only 38 percent believe it will pass, and 45 percent support Bush's school-choice plan (versus 36 percent opposed), but 53 percent think it will fail. . . . ABC News anchor **Carole Simpson**, in online column: "If, during his tenure, President-elect Bush ends up making a couple of more appointments like Justice **Thomas** to the Supreme Court, I have heard many women and minorities say, 'God help us.'" . . . **Jimmy Carter** discusses Al Gore's chances in 2004, on *Larry King Live*: "I think it really depends to a large extent on what the Clinton family is going to do. With **Hillary** in the Senate, she and her husband maybe in the background could very well be the dominant factors in the Democratic party, which would kind of push Al to the side. I have a personal loyalty to Al Gore, because I feel like he didn't get a fair shake in this election. But it may very well be that somebody would come out of the distant horizons, like a very bright young governor [does Carter have some historical example in mind—from the '70s, say?], and prevail when the four years expires."

■ In *Brill's Content* interview, Clinton denies existence of liberal media: "There's a big conservative press unabashedly, and for the Democrats and even people to the left of the Democratic party, there's almost virtually no outlets that can compare with the vast array of conservative press that's out there." . . . Clinton, addressing AFL-CIO: "They said I have to assume the appropriate role of a former president and I cannot say any of the things I want to say which would leave you howling in the aisles and the only thing that could give me a headline in my increasing irrelevancy. . . . Just use your imagination." . . . **Bruce Merrin** of Celebrity Speakers and Entertainment Bureau, on Clinton's speech-income potential, in *New York Times*: "He'd be on par with [Gen. **Norman**] **Schwarzkopf** when he came back from the Gulf War." . . . **Paul Begala** describes hours before Clinton went on *60 Minutes* in 1992 to discuss adultery charges, on *Nightline*: "It was very, very, very emotional. People were crying. **James [Carville]** was weeping piteously." . . . In Pew poll, 74 percent say Clinton will be most remembered for personal scandals, and 14 percent say economy. . . . **George Will**: "Clinton is not the worst president the republic has had, but he is the worst person ever to have been president."

"Till death do us part? — In this day and age?"

■ Lawyer **Donald Appignani**, representing INS employees in lawsuit, tells Ft. Lauderdale *Sun-Sentinel* that they were instructed to destroy evidence about **Elián González** case. . . . NR contributor **Abigail Thernstrom** appointed to U.S. Commission on Civil Rights. . . . Federal judge ends racial quotas at Tennessee's public colleges and universities, which were mandated in court desegregation order decades ago. . . . At Air Force Academy, 14 cadets are investigated for drug use and distribution. . . . Just shy of 90th birthday, **Ronald Reagan** fractures hip in fall at home.

■ Papal doctor **Gianfranco Fineschi** tells Italian magazine what Pope **John Paul II** said about meeting with Clinton: "The only leader I did not manage to have a proper conversation with was Clinton. I was speaking and he was looking at one of the walls, admiring the frescoes and paintings. He was not listening to me." . . . Iran sentences **Akbar Ganji**, its leading journalist, to 10 years in prison for "undermining Iran's security." . . . China says it wants to put astronaut in space within five years. . . . North Korea's **Kim Jong Il** makes secret visit to China, reports South Korean press. . . . Tour de France champ **Lance Armstrong**, in *USA Today*: "It's unfortunate that the biggest bike race in the world is in France."

■ In *Time* magazine, **Conan O'Brien** writes: "Watching [Clinton] these past eight years has given me the same unbridled, childlike joy as watching a cartoon. Clinton was our first cartoon president. He ran off cliffs, was crushed by anvils, and flattened by turn-of-the-century trains. Yet moments later, we always saw him, just like Wile E. Coyote or Daffy Duck, completely reassembled and eagerly pursuing his next crazy scheme." **NR**

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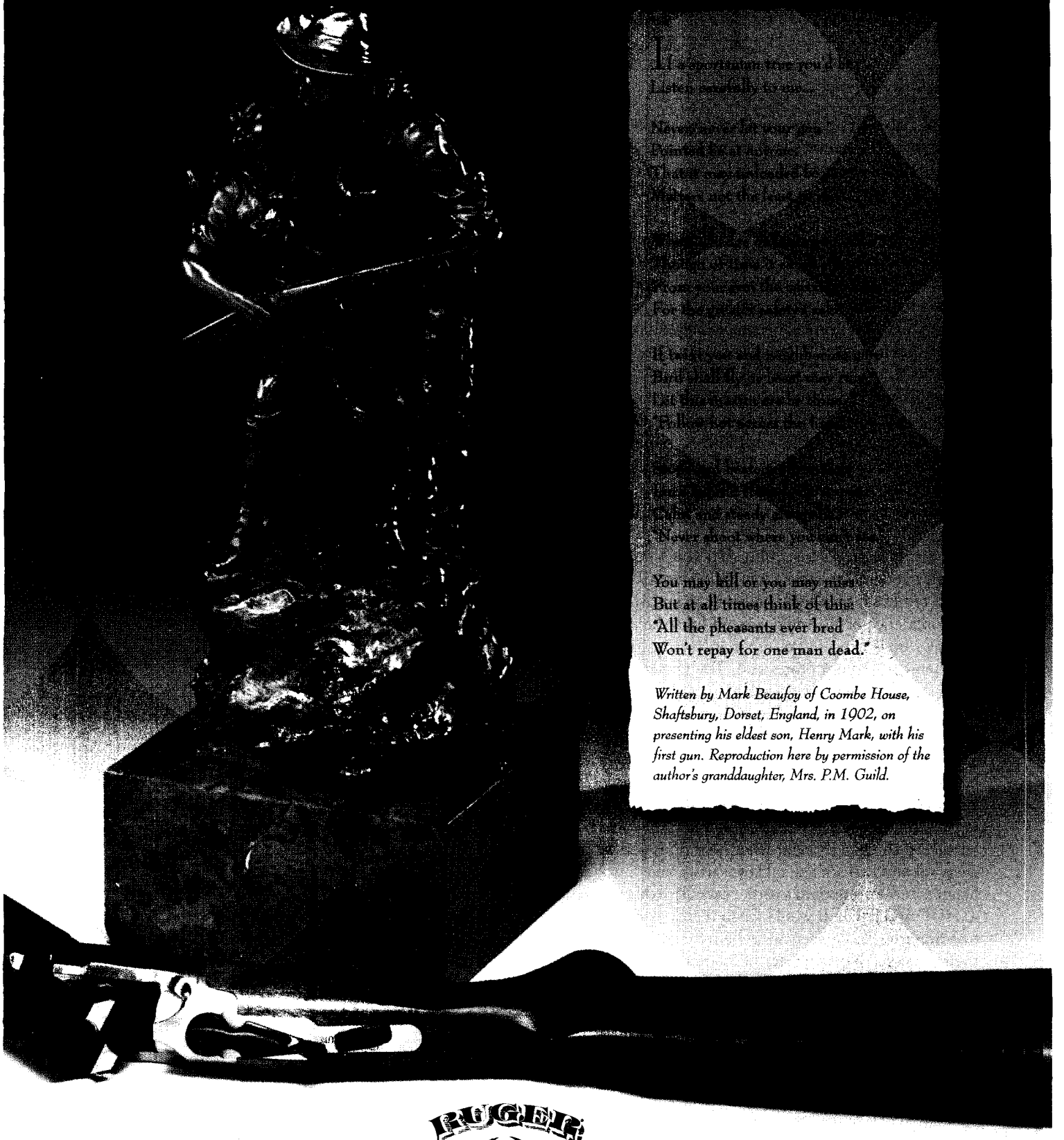
A Father's Advice



If a sportsman true you'd be
Listen carefully to me...

Never point at what you
Don't intend to shoot.
Unload your gun when
Walking out the house.

You may kill or you may miss?
But at all times think of this:
"All the pheasants ever bred
Won't repay for one man dead."

Written by Mark Beaufoy of Coombe House, Shaftsbury, Dorset, England, in 1902, on presenting his eldest son, Henry Mark, with his first gun. Reproduction here by permission of the author's granddaughter, Mrs. P.M. Guild.

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THE WEEK

■ John Ashcroft's critics are demanding to know whether he will enforce the nation's laws as attorney general. After eight years of Reno, one can only wonder: Since when is *that* a qualification for the job?

■ President Clinton's departing comments on the circumstances of George W. Bush's election remind us, yet again, how fortunate we were to have him as a leader and, in a very real sense, a national companion for eight years. Mr. Clinton's dignity and manly reticence; his simple affirmations of clear goals and plain principles; his intelligence, as rigorous and bracing as it was loath to display itself; his graciousness, to rivals and to associates, marked his entire tenure on the national stage. But nothing so became him as his leavetaking. Conservatives may have had their differences with him on policy, but we salute him as a personal example and, in the largest sense, as a political force for good. We look forward to his understated presence in our national life for many, many, many years to come.

■ The campaign against John Ashcroft's nomination to be attorney general becomes more disingenuous by the day. His liberal critics say that an AG must be a centrist if he is to enjoy the confidence of all Americans, and that he must support all the laws he is expected to enforce (such as those protecting abortion clinics from protesters). The pedigree of these standards stretches all the way back to . . . well, pretty much to the minute Ashcroft's nomination was announced. The AG he would replace, Janet Reno, was well to the left of public opinion, believing for instance that subsidized prenatal care should be part of any strategy to fight crime. She also opposed federal laws such as those authorizing the death penalty and mandating minimum sentences for drug offenders. It would have been peculiar if she had thought what no serious person does: that every jot and tittle of federal law is wise. Imagine applying the liberals' current standard to other executive departments, such as HUD and Labor. It would mean that nobody would be able to administer those agencies if he were at all skeptical about their missions. No supporter of limited government could be employed in the federal government. Or is that the point?

■ A speech given by Ashcroft at Bob Jones University was found, upon exhumation, to contain the J-word. "A slogan of the American Revolution," Ashcroft said, "was the line, 'We have no king but Jesus.'" Barry Lynn, of Americans United for Separation of Church and State, called Ashcroft's reference to Jesus "totally unacceptable," and Abraham Foxman of the Anti-Defamation League called on him to assure Americans that his "religious beliefs would not dictate" how he would carry out his job. Evangelical Protestants need no lectures on the separation of church and state, since they were the main supporters of James Madison and the First Amendment. But we had better hope that Ashcroft remembers his religious beliefs on the job. Jesus said that His kingdom was not of this world, so that those who declare "No king but Jesus" are stating that they will have no earthly king. The slogan has a history even older than Ashcroft acknowledged, for it was used by radical Protestants in 17th-century England, when kings could, and did, kill people who said such things. One reason America has no king is that lots of those Protestants moved here. If Ashcroft's critics don't want to move to some other country, could they at least keep their historical confusions to themselves?

■ If the campaign against Ashcroft has been dismaying, it must also be said that the ex-senator's response to it has not been edifying. His early tack has been to pledge his support for hate-crimes laws and to disavow any intention of asking the Supreme Court to overturn *Roe* v. *Wade*. The latter is a huge concession: The first Bush administration asked the Court to overturn that decision, and public opinion has moved in an anti-abortion direction since then. The political logic of this defensiveness is hard to fathom: It's not going to sway Sen. Barbara Boxer or, indeed, any Democrat who wants to damage George W. Bush's administration. Ashcroft would be better off challenging his critics' race-baiting and religious bigotry, about which they have already shown some defensiveness themselves. There is no point in confirming a conservative as attorney general if the price is a promise not to be a conservative attorney general.

■ If Senate majority (*sic*) leader Trent Lott had negotiated a plea bargain with Bill Clinton, the president would probably be settling in for his third term. In a deal with Tom Daschle on how to organize the 50–50 Senate, Lott agreed that committee memberships, staffs, and budgets would be evenly split. Daschle had threatened to block the Senate's reorganization unless his demands were met. The threat was empty: The Senate is a continuing body, unlike the House, and could have remained organized as it had been in the last Congress. Still, Lott folded—and not for the first time. Why shouldn't Daschle behave as though he were majority leader when the post appears to be vacant?

■ What would happen if they counted every vote—even the ones that weren't really votes—and George W. Bush still won? Such a development would be a blow to Democrats poised for four years of Republican illegitimacy, but it appears increasingly likely to happen. The *Palm Beach Post* has become the first of the media recounting horde to finish a tabulation of the so-called undervotes in Miami-Dade County, and the news is not good for Al Gore. The *Post* found that 7,600 of the 10,600 contested ballots had no marking—not even the

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slightest dimple—in the presidential column. And of those that could be guessed at, the paper found more favored Bush than Gore. After all of the *Post*'s recounting, Bush picked up six votes. Remind us what all the fuss was about?

■ We go to press before President Bush's inauguration, but the usual scruffy suspects had promised various forms of negative hoopla. When we last checked, they were dickering with the Secret Service about displaying giant hate-figure puppets. Bush should get used to it. He is hated by Democrats, who came only a few suppressed military absentee ballots short of victory; by blacks, living in the ghettos of impotent self-pity; and by the non-partisan Left, which has been energized by the Seattle riots and by the Nader campaign. Not only can he not win these people over, he will be unable to diminish their scorn for him. He will have to rely on the aura of his office, on whatever resources of good humor he has, and on pushing an agenda that builds his base among the large numbers of skeptical, but impressible, voters. All of Bush's enemies hated Ronald Reagan too, but Reagan had a temperament that enabled him not to care; his indifference, and his ideas, then won him the support that enabled him to govern.

■ "He has flown all the way from Indonesia, where he is now based, to attend the fundraiser. He will be giving $100,000 to this event and has the potential to give much more." So read the staff briefing for Bill Clinton on August 14, 1992, when the Democratic presidential candidate met with Indonesian moneyman James Riady during a campaign trip to California. The meeting was a prelude to the 1996 Democratic fundraising scandal. Riady ended up funneling about $1 million to Democrats, using a series of straw donors to hide his identity. It was all illegal, but the Clinton Justice Department could never work up much enthusiasm for a prosecution—until this January. With just days left in the presidential term, the department and Riady made a deal that calls for his business to pay an $8 million fine—peanuts for him—and includes no demand that he tell investigators what he knows about the scandal. In other words, Riady will walk away untouched from the worst campaign-finance scandal since Watergate. Just like Clinton.

■ On his first day in office, Bill Clinton signed an executive order forbidding officials from lobbying their former offices for five years after leaving the White House (before that, the law provided for a perfectly adequate one-year ban). The Clinton rule stayed in effect for the entire administration—until the president's most loyal aides began to worry about how to make money after leaving office. So in the last week of December, Clinton quietly rescinded the order. So much for Democratic principles. But here's the good news: The five-year ban was a bad idea in the first place, enacted only to grab some good headlines for the then-new Clinton administration. Now Bush will be rid of it without suffering the inevitable goo-goo criticism.

■ As part of his last-minute flurry of regulations, Clinton banned new road construction and commercial logging in 58.5 million acres of national forest—an area nearly the size of Oregon. Lawmakers in western states are understandably upset: The decision increases the risk of wildfires, hurts farmers by ignoring the impact that growing forests have on the availability of water, and end-runs Congress. It's the sort of environmentalism that is designed chiefly to please people who don't live near the land affected. It's also one of the first Clinton regulations President Bush should think about undoing.

THE DON'T-COME-BACK KID

by Roman Genn

■ Thomas Penfield Jackson, the federal judge who ordered the breakup of Microsoft, loves to talk. While the case was under way he talked to the *New York Times*, the *Washington Post*, the *Wall Street Journal*, *Newsweek*, and CNN, thereby, as Microsoft has pointed out in its appeal, violating the Code of Conduct for judges. Most recently, he has talked to Ken Auletta for *The New Yorker*, revealing in the process that in his mind the prosecution of Microsoft is not so much an antitrust case as a moral crusade against a company that had been too successful too fast. The judge said that the remedy he would really like to impose is to require Bill Gates to write a book report about a biography of Napoleon. Why? "Because I think he has a Napoleonic concept of himself and his company, an arrogance that derives from power and unalloyed success, with no leavening hard experience, no reverses." Just what Judge Jackson knows about entrepreneurial reverses is unclear: He is a career government lawyer descended from a long line of career civil servants, and raised, according to Auletta, in "a

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Dumbing Down the

Diane Ravitch is a research professor, New York University; distinguished visiting fellow, Hoover Institution; and member, oover's Koret Task Force on K–12 Education.

On several occasions, I have found myself in a familiar dialogue. When I complain about low expectations in the schools, my opposite number says, "So what? Our economy is doing well, we win the lion's share of Nobel Prizes, and we have enough qualified people to fill our most demanding professions." In other words, even if a third of our youngsters are not learning the most elementary skills in school, even if a third of our college freshmen must get remediation on campus, there's no cause for concern.

Behind this disagreement are two different assumptions: I assume that our education system should aim to educate everyone who comes to school; the other side says that ability is distributed along a bell-shaped curve and that we should not be overly concerned about the laggards because we will always need people to pick up the trash and sweep the streets. I confess that I get confused at this point because the current argument favoring low or no standards is coming from people who claim to be on the left.

Some evidence recently surfaced, which suggests that **a democratic society pays a price for widespread ignorance.** The *Princeton Review,* best known for its test preparation services, analyzed the vocabulary used by the presidential candidates in the campaign debates of 2000 and compared it to the vocabulary levels used in earlier campaign debates.

The *Princeton Review* obtained transcripts of the Gore-Bush debates, the Clinton-Bush-Perot debate of 1992, the Kennedy-Nixon debate of 1960, and the Lincoln-Douglas debate of 1858. It analyzed these transcripts using a standard vocabulary test that indicates the minimum educational level needed for a reader to understand a document. This test is ordinarily used to evaluate textbooks and other educational materials.

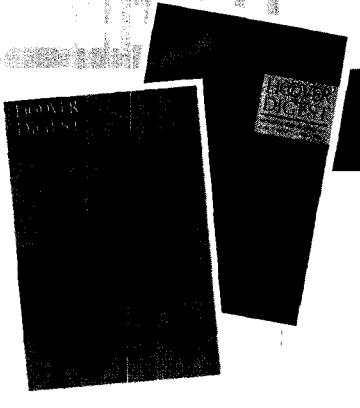
The results? In the debates of 2000, George W. Bush spoke at a sixth-grade level (6.7); Al Gore spoke at a high seventh-grade level (7.9). In 1992, challenger Bill Clinton scored in the seventh grade (7.6), President George Bush in the sixth grade (6.8), and Ross Perot at a sixth-grade level (6.3).

Our contemporary politicians, who found it necessary to speak to us as sixth and seventh graders, compared unfavorably with Kennedy and Nixon, both of whom spoke in a vocabulary appropriate for tenth graders. And they, in turn, looked sophomoric when compared to Abraham Lincoln and Stephen Douglas, whose scores, respectively, were 11.2 and 12.0.

Is it the candidates who have dumbed down their appeals or are they simply acknowledging that the public has a limited vocabulary? Candidates for public office, it is clear, must tailor their arguments to what the public can understand. Even though most Americans have completed at least twelve years of education, our candidates for president know that they cannot use big or unusual words when they address the voting public. This is what happens in a society that tolerates low expectations in our schools.

— Diane Ravitch

Paid for by the Hoover Institution, Stanford University.



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home where FDR was revered." On Napoleonic concepts of oneself, however, and the arrogance that derives from power, Judge Jackson can fairly be considered an authority.

■ Gen. Barry McCaffrey, in a farewell interview as drug czar, said that he was "unalterably opposed" to mandatory minimum sentences for drug felons, which can put nonviolent offenders, often exceedingly minor players in drug rings, behind bars for decades. McCaffrey's view seemed to be shared by Bill Clinton, who, on his way out the door, pardoned two women, one sentenced to 19 years, the other to 24 years, for such activities. Better late than never. But shouldn't the nation's top drug cop and the president have come forward with these views earlier, and more forcefully? Polls and referendums show that Americans are willing to rethink certain drug policies, but bureaucrats and politicians typically do so only when they're heading home.

■ The U.S. Postal Service enjoys a formidable array of privileges. It has a monopoly on first-class and third-class mail; it can borrow from the Treasury; it can regulate its competitors; and it is free from taxes and regulations, both those that apply to private companies and those that apply to government agencies. Yet the Postal Service is still in trouble. It's cheaper to fax or e-mail messages. And even though private carriers like Federal Express are required by law to charge higher prices than the Postal Service, they dominate express mail. The service's response? Raise the price of stamps (again) and try to go into e-business. It has also made alliances with Federal Express and Mailboxes, Etc. The Postal Service should be allowed to go off in any entrepreneurial direction it likes—so long as it operates under the same rules that other entrepreneurs do. Sweden, Germany, and New Zealand have already moved toward privatization. It's time for the U.S. Postal Service to join the New Economy, and at quicker than a snail's pace.

■ The Army announced it will replace "Be All You Can Be" with a new recruiting slogan, designed to appeal to the individualism of potential recruits: "An Army of One." Louis Caldera, Clinton's Army secretary, thinks that today's "me-now group" of young men and women find being part of an impersonal organization, subject to arbitrary orders, unappealing. Of course, Mr. Caldera will be long gone when disillusioned new recruits, in uniforms and with shaved heads, fill the barracks with cries of false advertising. The alternative approach is that of the Marine Corps: an appeal to the idealism of those young people who are willing to accept sacrifice as the price of admission to something bigger than they are. The Marines are the only service that consistently meets enlistment quotas. But following their lead will require that President Bush place some ads of his own for "A Few Good Service Secretaries."

■ Gray Davis, the governor of California, has been careful to present himself as a business-friendly New Democrat. But the first time he confronted a political crisis, his reflexes were those of an Old Democrat. California is suffering a shortage of electricity, largely because price controls are bankrupting utilities. Democrats, however, are blaming the utilities for greedily refusing to sell power at a loss, and blaming "deregulation" (in reality, a tepid restructuring of the state's regulatory regime) for letting them refuse. So instead of lifting price controls and ending other regulations—such as those that have prevented the construction of new power plants in California over the last decade—Davis is proposing to sue the utilities and create a state-run power-supplier. California once prided itself on leading the way to the future. Right now its future is looking a lot like the 1970s.

■ Arizona schools superintendent Lisa Graham Keegan, a Republican, opposed a ballot initiative to abolish bilingual education in the state and to require "nearly all" instruction to be conducted in English. Voters approved it overwhelmingly in November. Now she may go ahead and ignore them. "If what you're doing is traditionally successful and on an academic par, go right on doing that," she told the *Arizona Republic* on January 10, meaning that bilingual-education programs may continue if students in them post acceptable test scores. That sounds reasonable, except that it contradicts an initiative that was passed precisely because the public didn't think the schools were doing a sufficient job of teaching children to speak the language they'll need to know to succeed in the United States. What is it about the plain English of the law that Keegan doesn't understand?

■ Of all the slanders directed over the years at Sen. Jesse Helms, perhaps the most peculiar is that he is an isolationist. In a recent speech at the American Enterprise Institute, Helms again gave the lie to the label. He came out for, among other things, a further expansion of NATO, the overthrow of Saddam Hussein, the defense of Taiwan, and the promotion of democracy in Cuba. But perhaps his most provocative comments concerned the application of "compassionate conservatism" to foreign aid. Helms proposed to replace much of the foreign-aid bureaucracy with grants to private charities, often religious, that do relief work abroad. Helms's idea will not

Stormy Weather

One doesn't toy with Mr. Bush.
When Chavez got it in the mush
For sanitizing nanny tales,
She sagged like frocks at rummage sales.
As for the finger-pointing Left
Attacking Ashcroft with the heft
Deployed by Women Strike for Peace,
They still grind molars at Ed Meese.

—W. H. von Dreele

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Taking the Oxymoron Out of "Hip Conservative."

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undo the damage that misguided Western policies do to poor countries' economies; that would require ending the IMF and World Bank's destructive advice to them and slashing Western trade barriers. But it's a start.

■ Since 1992, the United States has spent some $2.3 billion promoting reform and democracy in Russia. President Bush says that he is likely to staunch this loosely targeted flow of money unless there is evidence that it is being used constructively. The original intention may have been admirable, but there is little or nothing to show for it. Russia is still a free-for-all, in which the strong take the spoils and the weak go to the wall. Our dollars fuel the endemic corruption and postpone hard choices; they end up in Western banks, to the account of Russians with clout but no conscience. The Kremlin may growl, and those who believe that money buys friends will clamor about "Who Lost Russia?" But to stop subsidizing is to help Russians help themselves, which is the one and only way to save the country and leave everyone a winner in the end.

■ Justice did not come to two young Palestinians, Alam Bani Odeh from Nablus and Madji Makawi in Gaza City. Their fates are horrific. Both had relatives who were terrorists, sought out and killed by the Israelis. Accused of denouncing these relatives and assumed therefore to be traitors, the two youngsters were put before court-martials. Their alleged crime of collaboration is not on the statute book. Existing agreements with Israel expressly forbid punishment for cooperation. No witnesses were allowed. The courtrooms were packed with cheering and clapping men and women, and television crews, with the result that the families of the accused did not dare attend. The cases lasted about an hour each. There was no mechanism for appeal. The two were led out for instant execution by firing squad, in front of crowds shouting "God is Great!" Several other Palestinians are under arrest on similar charges. If Palestine indeed comes into being, it will be a threat not just to Israel but to its own people.

■ A grotesque and faintly comical situation has arisen in Germany. The present foreign minister, one Joschka Fischer, a leader of the Green party, sits in his palatial office dressed in a custom-tailored three-piece suit. But 25 years ago, during the heyday of the notorious Baader-Meinhof terrorist gang, he was a leftist-anarchist street-fighter and closely allied with murderous terrorist groups. Photographs have surfaced showing him beating a policeman. Testimony places him in discussions about Molotov cocktails. He seems to have believed he was supporting Allende and opposing the Vietnam War,

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though Germany had little to do with either. Today he regrets the violence, but not the causes. If chancellor Gerhard Schroeder needs a jerk in his cabinet, well, let the voters assess the situation.

■ Steve Thoburn is a greengrocer in Sunderland, a grimmish city in the north of England. Last summer, he sold a customer a pound of bananas, little realizing that he was landing himself in a case bearing on Britain's future. Thoburn says that his customers use only imperial weights and measures, and he is satisfying them. As recently as 1985, an act of the Westminster Parliament confirmed that these traditional measures are legal. But a directive from the European Union in Brussels came into force last year to compel the use of metric measurements. The buyer of those bananas was an undercover inspector, and Sunderland magistrates have brought a prosecution on the grounds that it is now a criminal offense to use imperial weights and measures. Thoburn has become known nationally as "the Metric Martyr." If he loses, the courts will have overturned an act of Parliament, without Parliament's having had a say in the matter. British liberties have famously rested on hitherto obscure private citizens who arose to defend them, and Thoburn is in that mold, looking set to enter the history books.

■ Last year, television gave us Darva Conger and *Survivor*; this year we have *Temptation Island*, unmarried couples put in an artificial Club Med, where hunks and bimbos try to woo the various beloveds from their "commitments." The hook in all cases is "reality"—a real marriage; real people, not actors. So what's the fuss? Whenever television has been good, it has always captured reality. Lucy Ricardo and Ralph Kramden were fictional characters; Capt. Kirk was a fictional character of the future. But their doings were compelling because they dealt with love, embarrassment, or hard choices. Intelligent storytelling trumps hokey "reality" every time.

■ "You can't keep kids from having sex." Oh, yeah? A study issued by the National Institute of Child Health and Human Development has acknowledged that "virginity pledges" taken by teenagers do, in fact, work. The study found that teens who publicly promise to remain virgins until marriage delay their first sexual encounters some 18 months longer than their peers. Although they don't all wait until marriage, about 50 percent remain virgins until age 20. Non-pledgers, however, tend to have sex before 17. Additionally, the study found that the more peers who have embraced abstinence a teen knows, the more likely he is to take and honor the pledge himself. Teenagers can be asked to meet high expectations—if they are guided by adults who are willing to set them.

■ "Confessions of a Lonely Atheist" is the title of a *New York Times Magazine* essay by Natalie Angier, a science writer for the newspaper. Americans, she laments, see atheism as "illicit" and "unpatriotic." She thinks she's lonely? She should try saying "We have no king but Jesus" at the next *Times* editorial meeting.

■ Get ready, "Letter from Al" fans: It was time for that feature, along with Gore himself, to go. But Rob Long—wizard behind the "Letter"—will be back in the next issue, with a new page called "The Long View."

CLINTON

Enough

It would be perfectly appropriate, strictly as a legal matter, for independent counsel Robert Ray to indict Citizen Clinton. Bill Clinton lied under oath in the Paula Jones sexual-harassment case, compounded the offense by repeating his lies to a federal grand jury, and topped it all off with a healthy helping of witness-tampering and obstruction of justice. Clinton's own, not particularly energetic Justice Department has pursued dozens of prosecutions for perjury in roughly comparable civil cases. Indeed, Ray, whose office requires him to investigate and prosecute crimes related to the Lewinsky matter, would be hard pressed to justify *not* indicting Clinton.

An indictment would represent a gratifying comeuppance for Clinton, who is not only remorseless, but actually proud of his fight to defend his Oval Office trysts and subsequent lies (see his *Esquire* interview—it's the one with the cover featuring the president's crotch). But this doesn't mean indictment would be the right thing, as a matter of process or politics. The trouble isn't with Ray, but with his office. Conservatives have always opposed the independent counsel as an extra-constitutional excrescence unmoored from any political accountability. This is why Lawrence Walsh could pursue niggling indictments years after the Iran-contra scandal had reached a political resolution through resignations and damage to the Reagan administration. And why Ray may indict Clinton after the political process has already rendered rough justice in the Lewinsky scandal.

Appalling as Clinton's underlying legal offense was in the scandal, his worst sins were a matter of high politics: that he abused his office, that he lied to the nation, that he was willing to drag the country through so much, for a cause so egotistical and tawdry. The proper punishment for Clinton's essentially political offense was political—the impeachment process set out by the Constitution. The result of impeachment was, of course, unsatisfactory: a rough public consensus that Clinton was a liar, but that his wrongdoing wasn't serious enough to warrant his removal from office.

In light of this, an indictment would probably serve only to stoke another pro-Clinton backlash. And to no real end: As a matter of sheer seemliness, the country should be spared the spectacle of a former president in the dock. Meanwhile, Republicans should want to avoid expending any more energy—especially during the crucial early months of the Bush administration—on Clinton. So Bush should pardon Clinton now, for the sake of the integrity of the constitutional process (which does not envisage an independent counsel), for his own practical interests, and for the country. A pardon would

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make Bush look magnanimous while putting Clinton in his proper place beside Richard Nixon as a disgraced, pardoned former president.

He is a small man, who deserves no more of our attention. It, finally, really is time to move on.

TAX CUTS

Now More than Ever

OVER the last few years, Republican politicians have learned to defend tax cuts on grounds of fairness. Simple fairness demanded an end to the marriage penalty; the estate tax was unfair as a form of multiple taxation; tax cuts generally were a way of reducing an unfair "tax overpayment" (a.k.a. the budget surplus). These moral arguments were thought, correctly, to be more powerful in times of plenty than economic ones would be.

But the politics of prosperity may be coming to an end. Alan Reynolds, director of economic research at the Hudson Institute, points out that the evidence of a recession is stronger now than it was in the autumn of 1990. Retail sales and industrial production have been falling since September. Housing starts and light-vehicle sales peaked a year ago. It is time for Republicans to dust off the economic argument for tax cuts: that they improve incentives to work, save, and invest.

That means that those tax cuts stimulating economic growth ought to be at the top of the agenda in Washington. The conventional wisdom there suggests the opposite. Republican congressional leaders such as Denny Hastert have suggested that Congress should first pass tax cuts with bipartisan support, such as the elimination of the marriage penalty and of the estate tax, before turning to the tougher task of reducing income-tax rates. But that course would allow Democrats to block the economically important rate cuts by claiming to have cut taxes already.

Bush may be able to get some Democrats to support lower tax rates, but the only way to reach a grand bipartisan deal that enjoys the support of most Democrats, including their leaders, is to whittle away the marginal rate cuts to nothing. So Bush has to be prepared to pass the tax cut on a largely party-line vote. There are enough Republicans nervous about passing a "massive" tax cut that he may need to shrink his tax cut even to win narrowly. But he should compromise on incidentals such as estate-tax and marriage-penalty relief rather than on the rate cuts. The marriage penalty can in any case be ended with no special effort if the tax-rate cut is structured appropriately. If a single person moves into a higher tax bracket when his income reaches $40,000, a married couple should move into that bracket at $80,000. (The late Sen. Paul Coverdell had a bill to this effect.)

There is another reason for moving fast on pro-growth tax cuts. As long as tax cuts are expected but not enacted, they *depress* the economy as individuals and businesses wait for them to take effect. (For the same reason, Alan Greenspan's interest-rate cuts will not be fully effective until people think he has finished with them.) House majority leader Dick Armey argues that to have maximum effect, any tax cut should be retroactive to the beginning of 2001. He also suggests that a tax-cut bill include provisions to expand IRAs and 401(k)s. Others want to add corporate tax relief and a reduction in capital-gains taxes.

Fine. But the main point is to pass a pro-growth tax cut as soon as possible. A partisan fight on taxes is unavoidable; and it may as well start now.

THE CABINET

Not So Happy New Year

THE rush of almost holiday cheer that conservatives felt when George W. Bush's cabinet nominations were first announced ended when one of the best of them, Linda Chavez, came under fire for giving shelter to an illegal alien, and Team Bush gallantly let her bleed.

Pundits loosely compared Ms. Chavez's situation to that of Zoë Baird, nominated by Bill Clinton to be attorney general. The situations were actually quite different. Baird employed a Peruvian couple, both illegal aliens, to be her nanny and driver. Chavez took in Marta Mercado, a battered Guatemalan woman. Both Chavez and Mercado insist that Mercado, despite occasionally helping around the house and being helped monetarily, was not an employee—a claim confirmed by NATIONAL REVIEW's John Miller, who worked with Chavez at the time and frequently saw Mercado at her home. As far as the politics of immigration is concerned, America's problem is as much historically high levels of legal immigrants, as high levels of illegal ones; and the solution, as NR wrote at the time of the Baird flap, is not to make ordinary citizens "unpaid IRS [and INS] agents," but to set reasonable levels, to police the borders, and to use more efficiently the INS machinery we already have.

Chavez herself admits that she did not tell the Bush transition team about the potential Mercado problem. That breaks a key law of Washington, which is doubly important in the decalogue of the Bush family: full exposure, and loyalty to the team. George W. Bush errs, however, if he focuses too exclusively on these criteria. He won the White House not because of his skills as an inside-baseball player, but because of an agenda (reflected in his temperament) that millions of voters endorsed. He should not let the self-interest of his political operation take precedence over his goals.

The nomination of Elaine Chao to take Chavez's slot at Labor is a prime example of hasty damage control. Chao announced that her first call upon being nominated was to her friend John Sweeney, head of the AFL-CIO. Republican congressional leaders privately fumed that they were not only informed of the pick *after* the union officials, but *by* union officials. Organized labor is a shrinking force, riddled with corruption, and far gone in bitter-end left-wing politicking.

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Bush need not appease it; good government demands that he clean it up; and smart politics dictates that he fight it. Chavez could have done the job; will Chao?

The Chavez drama held the front pages, but conservatives at the same time attentively followed the case of Oklahoma governor Frank Keating. Keating was an early Bush man, who campaigned in 25 states. He hoped to be attorney general, and didn't get the nod. They teach disappointment in basic politics. Gov. Keating got an unpleasant course in advanced politics when details of a financial arrangement with the financier Jack Dreyfus (all legal and previously vetted) were leaked to *Newsweek*, as if they were unseemly. Like the Bushies who apparently knifed him, Keating went to the press. He has every right to be livid—and conservatives have additional reason to be disturbed.

AMERICA

Two Nations?

BENJAMIN DISRAELI spoke of "two nations," meaning the rich and the poor of England. John Dos Passos in *U.S.A.* upped the ante, declaring, "All right, we are two nations." Those words have resonance in America today, not in terms of rich and poor, but of race.

The indices point to a congealing sense of separateness and resentment on the part of black Americans. This is by no means confined to the poor or underclass, but is pervasive, and given often ferocious articulation by black "leaders." Some are claiming that such as Colin Powell are Uncle Toms for cooperating with whitey. What we are seeing is a kind of black resegregation under racial and nationalist impulses. Of course, there was the 11–1 black vote against Bush. Louis Farrakhan, a hater of whites and vicious anti-Semite, speaks of a "nation" of (black) Islam. Reliable surveys indicate that his support is growing. The adoption of Arab names by many blacks, including intellectuals, is anti-Western, separatist, and alienated. The term "African-American" is not innocent, but separatist, and its widespread acceptance by the mainstream media is naïve and sinister. American blacks have no African connections beyond the simply genealogical; the history of their families in America is longer than that of most whites'. The sole African institution to have had serious influence on American society is slavery. The term "Negro" was always a bit foreign. The replacement "blacks" had the merit of being symmetrical with "whites." "African-American" is separatist propaganda. Not surprisingly, it was coined, or at least popularized, by Jesse Jackson.

The campaign of leading black spokesmen against George W. Bush was waged as if he were George Wallace, or even worse. The once-respectable NAACP ran a despicable ad on TV that associated Bush with the lynchers of James Byrd in Texas. When the Supreme Court ruled unfavorably to the Gore effort, Jesse Jackson compared its decision to Pearl Harbor, saying it would "go down in infamy," and also to *Dred Scott*. He and others waved the Brown Shirt, speaking of Gestapo tactics and Nazis. Jackson talked about "taking to the streets," and demanded an audience with the new Nazi president.

Jackson, Julian Bond, Kweisi Mfume, Al Sharpton, and others seem intent on solidifying a hard black bloc in the electorate based on race and hatred. The agenda of this bloc rejects equality before the law, a core principle of American politics. It insists on special privileges—affirmative action, hate-crime legislation—based on race. Jackson demands "expanded civil rights," despite the fact that American blacks enjoy precisely the civil rights enjoyed by other Americans. We are beginning to understand that opposition to any black appointee is "racist," an assumption that is itself racial and separatist. Echoing Jackson and other black extremists, both Tom Daschle and Dick Gephardt conspicuously refused, when asked, to say that George W. Bush is a "legitimate" president. Sen. Lieberman groveled and groveled before Rep. Maxine Waters on affirmative action—Waters, an admirer of Fidel who ascribes crack cocaine in the cities to a CIA plot.

The wildly exaggerated rhetoric, the inflammatory lies, the bizarre claims—this is unmistakably the voice of race hatred, and it should be recognized for what it is. The hatred and bad faith must be relentlessly repudiated. The "African-American" bullies and thought police are making it difficult for blacks to be Americans.

CONSERVATIVES

Blood, Soil, and Sense

ONE of the particulars in the Left's bill of indictment against John Ashcroft is that he once gave an interview to *Southern Partisan*, a magazine of that region's history and culture, praising it for defending the memories of Robert E. Lee, Stonewall Jackson, and Jefferson Davis.

Living in a world of barbarians, in which Madonna is a kind of Queen Victoria and the Beatles are ancient history, we impose on the past, when we notice it at all, our own priorities. This is a sin academic historians call "presentism," and it is practiced by many academic historians themselves. The present we transpose backwards is usually liberal, which results in such grotesqueries as Gov. George Pataki saying that the Holocaust might have been averted by hate-crimes laws.

In such an environment, the Confederacy makes an inevitable target. Dead slaveowning white men: What worse villains could there be?

Yet the resistance to the nullification of memory itself often goes overboard, in a fashion that is both unhistorical and politically obtuse. The South gives all Americans numerous instances of military brilliance and patient devotion. Many of its leading characters, beginning with Lee, were admirable figures. But the mind of the South had been corrupted, for thirty years before the guns went off, by a political theory that replaced the Declaration of Independence and the Constitution with an extreme states'-rights doctrine, elabo-

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rated by John C. Calhoun. This doctrine was put at the service of the institution of slavery, which the southern political class was determined to justify and extend. Jefferson Davis, president of the Confederacy, believed that blacks were descendants of Ham, doomed by Noah's curse to bondage. Alexander Stephens, his vice president, said that the inequality of races was a newly discovered scientific truth, like the circulation of the blood, and that it was the cornerstone of the new nation. No slaveowner of the Founding—not Washington, not Jefferson, not Madison—believed such things. All the virtues of the Confederacy were harnessed to pernicious, and un-American, innovations.

For accidental historical and political reasons, tolerance of pro-Confederatism has been the in-house political correctness and intellectual affirmative action of the conservative movement. It does us a disservice. The proper eulogy of the Confederacy was written by T. S. Eliot, of the losing royalists in the English Civil War. "We cannot revive old factions / We cannot restore old policies / Or follow an antique drum . . . / Whatever we inherit from the fortunate / We have taken from the defeated / What they had to leave us—a symbol: / A symbol perfected in death." The symbols we should honor today reflect not the Confederate cause, but the bravery of its mistaken adherents.

■ NOTES & ASIDES ■

■ Dear Mr. Buckley: Much as I dislike beating dead horses, may I respectfully submit that when it comes to the word *dolichocephaly*, you still don't get it.

In your Dec. 4 response to my letter, you quoted your *Heritage* dictionary as follows: ". . . dolichocephalous . . . having a relatively long head with a cephalic index below 76." Both Dr. Springer's (Dec. 18) and my point was that *long* does not refer to the *vertical* length of the head (I trust that we can all agree on the meaning of *vertical*), as you maintain, but to the front-to-back length, or, to be technical, the antero-posterior diameter.

Perhaps we could settle this by agreeing to accept Humpty Dumpty's dictum: "When *I* use a word, it means just what I choose it to mean—neither more nor less." Or, maybe more to the point, "The question is, which is to be master—that's all."

Pedantically yours,
Russell McFadden
West Columbia, Tex.

Dear Mr. Buckley: My *Random House* says that dolichocephaly has to do with the ratio of the breadth of the head to the length of the head—from front to back. It appears that you were correct and your dictionary at fault in not describing the basis of the word *length* used in the definition. This is noted most respectfully, as I do not mean to be nitpicking, but am honored to clear this up for our greatest literate American. Boola-Boola from a City College of New York graduate of 1953.

Cordially,
Alfred Pramaggiore
Dayton, Ohio

Dear Mr. Buckley: Good manners prevented me from writing before this, but now that you have spurned the advice of two well-intentioned correspondents, I must risk churlishness and state the obvious: You have misinterpreted the definition of *dolichocephalic*. Who at *Heritage* said that *long* means *vertically* long? As evidence to the dogmatic, I offer the fact that if the cephalic index did indeed include a vertical measurement of the skull, the index would have no clinical significance, since it would necessarily be a postmortem discovery. This is because the mandible is variable on its own terms (i.e., largely independent of the skull), so it cannot be used as a gauge of skull dimension, and the base of the skull (the clear ground zero of verticality) is buried in the neck. *Heritage*, I'm afraid, never intended to authorize your usage.

Respectfully,
David Milano
Wellsboro, Pa.

Dear Mr. Milano: Well now, you have convinced me. I had always sort of assumed that the chin designated the lowest part of the skull. But you say no so apodictically, I'll take your word for it.

Cordially, WFB

■ Dear Mr. Buckley: In the December 31, 2000, issue of NR you quote Harry Jaffa as having written that Plato wrote his *Nicomachean Ethics* exactly 45 years before his *Laws*.

Plato did not write the *Nicomachean Ethics*. Aristotle wrote it, naming it after his son, Nicomachus.

Sincerely,
Nelson W. Brown Jr.
Houston, Tex.

Dear Mr. Brown: I'm so glad you agree with me on the point. For *years* I have tried to correct Professor Jaffa on the matter, but he is apparently incorrigible.

Cordially, WFB

■ Dear Mr. Buckley: I've long sought a word meaning *to make obsolete*. I have finally settled on my own formulation, *to anachronize*, as in "the typewriter has been anachronized by the word processor." Do you approve?

Brian W. Maher
Cranford, N.J.

Dear Mr. Maher: No, I don't. Because anachronism means merely out of sequence, not obsolete. You couldn't, e.g., anachronize Plato, if what you meant was to make Plato out of date. You could, on the other hand, anachronize him by listing him as a chronological successor of Aristotle.

Cordially,

—WFB

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■ FOREIGN POLICY ■

How "Special"? For How Long?

Between Washington and London

JOHN O'SULLIVAN

IN the final reviews of his presidency, Bill Clinton's legacy is generally depicted as modest: stylish but slightly disappointing, something on the lines of a Louis Vuitton handbag containing a very small check. If you are the president-elect, however, it must look quite different: a large steamer trunk bursting with problems, situations, and contingency plans for all-too-likely crises. And at the very top of the heap is a particularly unpleasant surprise: The British are going.

American policymakers have become accustomed, especially since the advent of Mrs. Thatcher in 1979, to thinking of the U.K. as America's most reliable ally. Whether it was joining in the sanctions and bombing campaign against Iraq or offering early support for the stationing of cruise missiles in Europe, the British were generally helpful to the U.S. In addition, it was the view of both General de Gaulle and the U.S. State Department that Britain was America's Trojan Horse inside Europe, preventing the French from turning the European Union into an anti-American superpower. (The State Department approved; the General did not.)

This sense of trust and reliance, moreover, is of long standing. Sustained Anglo-American cooperation began shortly after Pearl Harbor and became almost second nature during the Cold War. Even today, ten years after the Soviet Union collapsed, the relationship remains based on a number of highly unusual arrangements. One is a very high degree of intelligence-sharing: The CIA's man in London actually sits in on Whitehall's Joint Intelligence Committee. (He has to leave the room occasionally, presumably when they are bitching about the CIA.) Another is a very high level of nuclear-weapons cooperation: The British buy Trident missiles from the U.S. (and are privy to America's nuclear secrets) as a result of a 1961 deal between Kennedy and Macmillan. This allows London to get a more effective nuclear deterrent than the French, at a much lower cost.

The Euro Soldier by Roman Genn

And the cooperation that began during the Cold War continues, because the British are among the very few NATO allies with effective armed forces, a pro-military public opinion, and a global outlook. They are willing to intervene abroad alongside the U.S.—sometimes, as in Kosovo, more willing than the U.S.—and are therefore actually useful as allies.

Both sides have benefited from this "special relationship." As Peter Rodman pointed out at a recent New Atlantic Initiative conference in London, the relationship has enabled the British to play "a pivotal role" in European–American relations, mediating between the sides and thus increasing their own diplomatic influence. This has generally suited the U.S., because it has both advanced U.S. policy on NATO matters (e.g., missile installations) and restrained Europe from adopting quasi-protectionist measures (generally disguised as health or "anti-dumping" regulations). But this relationship was a balancing act: Its success depended on the Brits' not committing themselves wholly to the European Union and, in particular, its schemes for a binding common foreign and defense policy. And the British suddenly look unsteady on the tightrope.

Consider the three items of Anglo-American cooperation listed above. First, U.S.–U.K. intelligence cooperation is under attack from both the French government and the European Parliament. They especially dislike Echelon, a highly sophisticated electronic-intelligence-sharing program that brings together the U.S., Britain, Australia, Canada, and New Zealand—on the grounds, *inter alia*, that the information it gathers is sometimes used to assist American companies in competition with Europeans for Third World contracts. But the Europeans' underlying motive is to force the Brits either to share U.S. intelligence with other Europeans, as part of the development of a common foreign policy, or to break the special links with the CIA. Everyone knows, of course, that if the British try to balance on this particular tightrope, U.S. intelligence agencies will simply downgrade the material they pass over. And one strand of the special relationship will have been quietly cut.

Second, U.S.–U.K. nuclear cooperation is also coming under criticism. The bipartisan drive in the U.S. for a national missile-defense system is causing ructions in Europe—and putting special pressure on Britain, which houses early-warning facilities at Fylingdales that would need to be updated for it. Most continental European politicians have expressed reservations about missile defense. European governments would prefer to oppose missile defense outright and, citing the common foreign policy, to obtain Britain's refusal to upgrade Fylingdales as well—thus breaking another link in the U.S.–U.K. relationship; but the Europeans fear America's reaction to such open opposition. As François Heisbourg of the Geneva

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Center for Security Policy wrote in the *International Herald Tribune*: "Indeed, since the shield is a hot button issue in the United States, where it receives bipartisan support, the Europeans should refrain from giving the impression that they are denying the U.S. population its right to defend itself against missiles." Indeed.

In these uncertain circumstances, Tony Blair's Labour government hopes to avoid the tough decision on Fylingdales for as long as possible, on the grounds that we do not yet know if there is a missile-defense system effective enough to be deployed. Whatever the technical facts, however, missile defense is now moving rapidly up the political agenda. In a well-received speech to the New Atlantic Initiative conference, Tory opposition leader William Hague called for early deployment of a missile shield that would cover NATO allies as well as the U.S. Furthermore, Britain's foreign-policy establishment is friendlier than most to missile defense, because such a program would serve to protect expeditionary forces against nuclear blackmail, and thus to maintain the possibility of an interventionist foreign policy (a consideration more important to Britain than to largely debellicized nations such as Germany). In short, unless the Europeans drop their opposition to missile defense, U.S.–U.K. nuclear cooperation is likely to be both a bone of contention for Britain in its relations with America and Europe, and a hot political topic in a British election year.

Finally, U.S.–U.K. military cooperation is being undermined by the European Union's decision to establish a Rapid Reaction Force. As often happens, this major problem began as a minor diversion: Prime Minister Blair, wishing to establish his pro-European credentials at a time when he was keeping Britain out of the euro, signed an Anglo-French defense-cooperation arrangement at Saint-Malo and subsequently pledged 12,000 troops, 72 aircraft, and 18 ships to the Rapid Reaction Force. He assured everyone that the force would be part of NATO, that it would not duplicate existing NATO resources, that it would mean more burden-sharing by the Europeans, and that, finally, it was no big deal.

Three developments conspired, however, to ensure that it became a very big deal: First, at the Nice EU summit, the French made another big push to expand the definition of the RRF, to make it independent of NATO and controlled by the EU; second, two former defense secretaries (including Labour's respected Denis Healey), two former foreign secretaries, and two U.S. senators wrote to the London *Daily Telegraph* strongly opposing the Euro-army as a threat to NATO; and third, William Hague has made clear that opposition to a Euro-army will be a major Tory plank in the forthcoming election. It does not help Blair's cause that nobody has been able to solve the following riddle: If a European force is the answer, what's the question? It is impossible to define a mission for the RRF, other than to express French resentment at America's continuing military leadership in Europe. But since it is going ahead nonetheless, it is likely both to undermine NATO and Anglo-American military cooperation—and to become a hot political topic in a British election year.

The incoming U.S. administration will have to deal with these three issues, and their impact on its relationship with its closest ally. If it maintains the traditional State Department line of encouraging Britain to integrate more unequivocally into the EU, it will in effect be pushing the Brits to take Europe's side on these defense issues. The price of EU membership is now rising to include Britain's breaking its defense, intelligence, and nuclear ties to the U.S.—and, in due course, adopting defense relationships that may well run counter to those of the U.S.

None of this is in America's interest. If the U.S. is to oppose it effectively, however, it will have to examine the relative virtues of two policies it has scarcely yet considered: either joining Britain in pushing strongly for a much more flexible EU, one that would allow member-states to opt out of common policies; or making it quietly clear that Britain, in the event of a breach with Europe, would be welcome in an enlarged NAFTA (as Sen. Phil Gramm has suggested). The alternative is to maintain the policy of encouraging European integration, and to watch a British election campaign in which Tony Blair's most effective slogan is: "Uncle Sam Wants You for the European Army." **NR**

■ **CONGRESS** ■

The Kindest Cuts

Bush goes after tax relief

KATE O'BEIRNE

In a meeting last month to discuss the congressional agenda, President Bush reminded the Senate's Republican leaders that the new player in town would have plenty to say about legislative strategy. "The ball's in my court, now," Bush said, and he declared that he wanted his tax-relief plan to be an early priority. Congressional aides report that in planning sessions transition officials echo Bush's intent to push his tax-cut bill "early and hard." But it will be an uphill push: Early discussions on Capitol Hill about the timing and structure of the tax bill reflect the difficulties Bush will face as he tries to deliver on this key campaign promise.

As president-elect, Bush took every opportunity to emphasize his resolve to enact significant tax relief. During the campaign, he had argued that a portion of the surplus ought to be returned to taxpayers as a matter of fairness, and also to serve as a brake on Washington spending. Since the election, in the face of gloomy economic indicators, he has called his tax-relief package an "economic-recovery plan," featuring rate cuts to stimulate growth and to offset the rising cost of energy to consumers.

In private conversations at last month's conference with business leaders, Bush said that the media's repeated questioning of his intentions on taxes reflected the journalists' surprise that he actually meant what he said in the campaign. But the media aren't alone in misjudging his resolve on taxes: Each expression of his firm intent has been greeted with skepticism even by friendly forces in Congress. House Speaker

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Denny Hastert, for example, has recommended enacting separate bills with targeted tax cuts instead of a single, comprehensive tax-cut bill. Within hours of becoming the new chairman of the House Ways and Means Committee, Bill Thomas asserted his own indispensability—by treating the new president's detailed $1.3 trillion tax-cut plan as merely an opener for discussions. "President-elect Bush ran on some particular ideas about the tax code. We're going to share our ideas," Thomas explained.

Despite this early lack of enthusiasm, a Senate leadership aide predicts that GOP senators will get with the Bush program: "The president will plant his flag in the ground, and they will rally around it." And conservatives have already begun to solidify their support. House majority leader Dick Armey has saluted the Bush tax-cut plan, in a memo to Republican members that details the evidence of an economic slowdown. "It's imperative that we cut tax rates quickly to bolster our economy," wrote Armey. He also expressed his concern that a phased-in tax cut that won't take effect until 2002 wouldn't be enough to turn the economy around; he recommended that tax cuts be made retroactive to the beginning of the year. Bush responded positively to Armey's proposal, saying: "We would consider all options. What I won't consider is trying to diminish the size of the tax-relief package."

■

Just as important as the overall dollar figure for the tax cuts is the question of legislative strategy.

■

Other House conservatives also plan to rally behind the Bush plan. At a recent retreat of the conservative Republican Study Committee, its chairman, Rep. John Shadegg of Arizona, gave a few dozen members a ten-page list of policy positions taken by Candidate Bush, and recommended that they select proposals to advance on Bush's behalf. Tax cuts were the top priority. According to Shadegg, "If anyone is going to give the president a honeymoon, it should be us, and it should be on this issue."

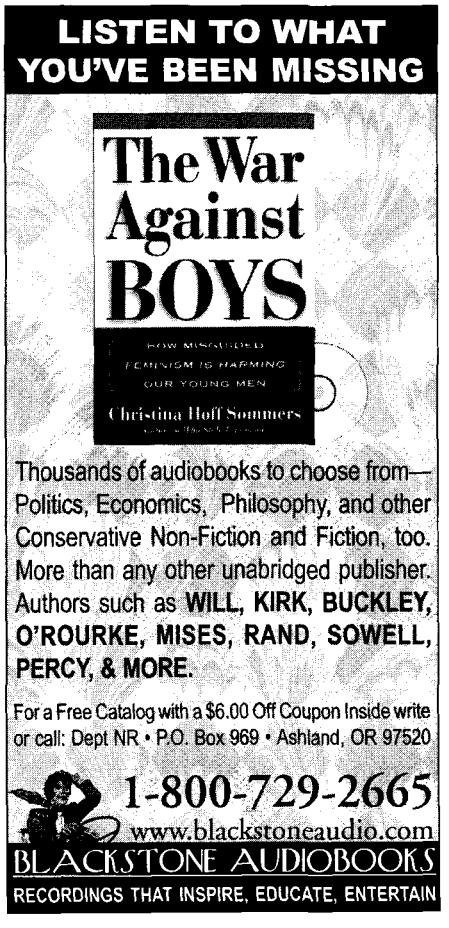
Pennsylvania Republican Pat Toomey reports that conservative members believed they could be most helpful to President Bush on tax cuts by "not only being out pushing aggressively . . . but by being to his right to maximize his bargaining position." Toomey points out that since the campaign ended, the surplus has grown and the economy has softened—strengthening the case for tax cuts.

The case is strong enough to convince even Democrats that they don't want to be seen as opposing tax relief. Sen. Max Baucus of Montana, the senior Democrat on the Senate Finance Committee, acknowledges a "growing sentiment" for a tax cut, and minority leader Tom Daschle has suggested that a reasonable compromise with President Bush could be in the neighborhood of $700 billion. (Conservative Republicans fear that some of their moderate colleagues will be comfortable only in Mr. Daschle's neighborhood, which they've visited in the past.)

Just as important as the overall dollar figure for the tax cuts is the question of legislative strategy. In the summer of 1999, facing a certain presidential veto, Congress passed a $700 billion tax-cut bill, including elimination of the marriage penalty and the death tax. Some Republicans are suggesting that these two reforms should now be enacted separately—but transition aides indicated that President Bush would insist on a single package. Bush's fellow Texan, Sen. Phil Gramm, explains why across-the-board rate cuts should be in a comprehensive package with other popular reforms: "When you bake a cake, do you take the sugar out and serve it separately, or do you mix it in with the batter?"

President Bush will have the opportunity to make his case for his $1.3 trillion package, and gauge the level of support he can count on, at a retreat of House Republicans during the first week of February. If recalcitrant House moderates balk at the size of his proposal, Toomey recommends that the president divide his plan—by proposing about $800 billion in retroactive rate cuts *before* the rest of the tax-relief program. Toomey thinks that a Republican Congress would have a tough time opposing an initial Bush tax cut designed to boost the economy; he is confident that the marriage penalty, death tax, and other tax-fairness reforms could be passed later.

Perhaps the biggest adjustment congressional Republicans will have to make is in their attitude. For eight years, they had to fend for themselves in battles with a hostile president; they set their agenda by—in the words of one staffer—"figuring out what moderates and conservatives won't kill each other over." What they face now is a new world: They have a president who can set an agenda and use the bully pulpit of the White House to sell it. This means that for Republicans, fratricide should be out on Capitol Hill. For that matter, when it comes to the possibility of crippling Bush by gutting his tax cuts—so should regicide. **NR**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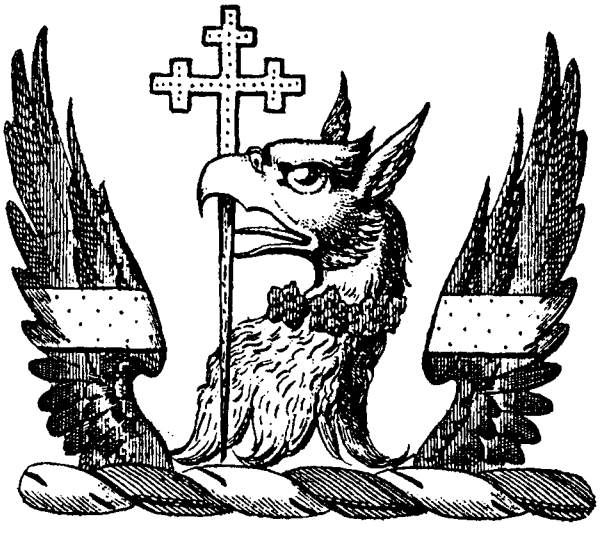
Since the 1960s, much of Catholicism has veered off in a revolutionary direction — its Marxism deriving as much from Groucho as from Karl — and in America the results are in: Two out of three Catholics don't believe in the Real Presence of Christ in the Eucharist. The number of priests, brothers, sisters, Catholic schools, seminaries, baptisms, marriages, and conversions has declined — dramatically in certain cases. And weekly church attendance has dropped from 70% to 25%. The Catholic revolution has been a monumental flop. Of course Father Flapdoodle, Sister Snakebite, and Bishop Bubbles haven't figured that out — they think the 60s never ended. Still trying to be cool cats, they're *so cool* they're frozen in a time warp.



But, mercifully, God's frozen people are thawing out. Where's the fire and dynamism in the Church today? Among traditional Catholics! The dioceses that have no vocations shortage, the religious orders that are growing, and the seminaries that are packed are predominantly the traditional ones. And traditional Catholics have been founding *new* colleges and seminaries. Polls show that the Catholics most committed to the Church are traditional Catholics. Seminarians and younger priests are much more traditional than middle-aged and older priests. The only novel idea in Catholic education is home-schooling, spearheaded by traditional Catholics. The only massive grassroots movement in the Church is the prolife movement, led by traditional Catholics. The only significant Catholic presence on TV is the ardently traditional EWTN. The only significant Catholic voice on radio is that of traditional Catholics.

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■ THE LAW ■

Hell Behind Bars

The crime that dare not speak its name

ELI LEHRER

PRISON rape may be America's most ignored crime problem. Since the mid 1970s, male-on-male rape has become more common than male-on-female rape, and a key reason for this is that the prison population has quadrupled. Prison rape tortures inmates, spreads AIDS, and increases the power of racist gangs—but almost nobody wants to talk about it.

Academic research suggests that the problem is widespread. University of Nebraska professor Cindy Stuckman-Johnson reported in *The Journal of Sex Research* that 22 percent of male inmates in Nebraska prisons experienced unwanted sexual contact. Extrapolating from her Nebraska findings and earlier studies in New York, California, and Pennsylvania, Stephen Donaldson, the late president of the activist group Stop Prisoner Rape, estimated that over 240,000 men get raped in prison each year. By contrast, according to the Bureau of Justice Statistics, in 1999 men raped 141,000 women.

And while female rape victims typically get raped only once, imprisoned men can get raped thousands of times; physically weak inmates get raped the most. Accounts of prison life by authors such as Harold S. Long and James Hogshire depict a horrible pattern: Prisoners arriving at correctional facilities typically get challenged to a fight within a few days of arrival; those who fight poorly or run away get labeled as "punks" or sex slaves. Punks—usually young, nonviolent offenders, and often pretrial detainees—typically fall victim to a series of gang rapes that may continue for anywhere from a few days to several years. A survival-minded punk eventually settles down to serve a "man" who protects him from other predators in return for regular sex for the man and his friends. In effect, this can amount to daily rape for years on end. Rampant prison overcrowding—which shows only minimal signs of easing—has made this problem even worse: With more men in each cell, it becomes possible for some serial rapists to acquire harems of punks.

Regular group anal sex spreads AIDS very quickly. "AIDS is a major, major threat in prisons, and the fact that any rape may be a death sentence plays up the psychological terror involved in rape," says Terry Kupers, an Oakland psychiatrist who has written extensively about mental health in prisons. Writing in the journal *AIDS*, Centers for Disease Control and Prevention researchers Hazel Dean-Gaitor and Patricia Fleming find that prisoners have nearly six times the AIDS-infection rate of the population as a whole.

■

Although nobody defends prison rape in public, reform efforts rarely succeed.

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Prison rape also carries strong racial overtones. Prison administrators "want to keep the black gangs quiet," says Ginnette West, the mother of a prison-rape victim who runs the small Illinois-based activist group Mothers Against Prison Rape-HIV/AIDS. "They know they'll be in an uproar if they don't get something to release their sex drive, and usually it's young, nonviolent inmates of a different race." The view from the inside is much the same: "The wolves [serial rapists] are almost all black, while punks are almost all white," writes Hogshire in his book, *You Are Going to Prison*. The white-supremacist gangs that proliferate behind prison bars do the same thing in reverse, seeking out black punks.

Rape serves as a prison-management tool. Racist gangs make things easier for prison administrators: They spend so much time fighting one another that they don't turn against staff. Rape often serves as a form of punishment for those who threaten to disrupt the flow of drugs and other contraband that the gangs control in most prison systems. Indeed, prison administrators sometimes *facilitate* rapes: A 1998 *Los Angeles Times* investigation of brutality in California's Corcoran State Prison found that guards sometimes sent troublesome prisoners to live with one man, who raped inmates in return for favors from prison staff. Such practices are common. "I've heard about prisons where they always make sure there is one [punk] per tier as a safety valve for the population," says Ken Haas, a professor at the University of Delaware who coedited the widely used anthology *The Dilemmas of Corrections*.

A code of silence that nearly all prison inmates adhere to means that prison rape almost never gets reported. "This silence spares cost-conscious prison officials the expense and burden of investigating and prosecuting incidents of prison rape," writes Victor Hassine, a convicted murderer turned college-textbook writer who has spent the last twenty years in a variety of Pennsylvania state prisons. "Rapists are thus virtually handed licenses for their attacks."

Although nobody defends prison rape in public or even denies that it poses a problem, reform efforts rarely succeed. Tom Cahill, a self-described "full-time radical-Left activist" and prison-rape victim who now heads Stop Prisoner Rape, complains that mainstream human-rights groups shun the issue of male-on-male rape. "Amnesty International asked me to speak for them a few years ago, and all they wanted me to talk about was women being raped by male guards," he says. "Rape is a problem, but it's not the dominant one for women behind bars. For men, it's an enormous issue."

Cal Skinner, a conservative who supports harsher criminal penalties and more prison construction, believes that his 16 years in the Illinois House ended with a primary defeat last fall in part because he devoted so much time to meeting with prisoners and pushing anti-prison-rape legislation. "Convicted criminals aren't the most popular people

Mr. Lehrer is a Bradley Fellow at the Heritage Foundation.

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with conservative voters in a conservative district," he explains. Although the Illinois prison system did issue new regulations aimed at stemming prison rape in the wake of Skinner's efforts, his more ambitious bills to crack down on prison rape never made it to the floor of the legislature. Similar single-legislator crusades fizzled in Delaware and Florida, as did the efforts of Sens. Edward Kennedy and Barbara Boxer to establish a select committee on the issue. To the public, prison rape has become a joke: Films like *The Naked Gun 33 1/3* and the Norm MacDonald movie *Dirty Work* make light comedy out of rape behind bars. Similar jokes about any other violent crime would draw loud protests from politicians and advocacy groups.

Michael J. Horowitz, a Hudson Institute scholar who has led human-rights crusades against the sex-slave trade and the persecution of Christians, proposes federal standards to prevent prison rape. "There is not a single major private group that accredits prisons that sets standards for preventing rape," says Horowitz. "This is a serious human-rights crisis." If Horowitz's efforts gain traction, San Francisco's protocols—in place since 1975—might become a national model. In San Francisco jails, weak-looking, effeminate, or transsexual offenders are separated from other prisoners. Inmates who fall victim to rape get moved into protected areas screened to keep out potential rapists. Even in San Francisco, however, not everything works perfectly. "Rape still goes on in our system," admits assistant sheriff Michael Marcum. "But we have some facilities where I feel comfortable saying that it doesn't go on at all."

People go to jail because society wants to punish them; but the punishments of prison rape seem manifestly at odds with commonly accepted standards of justice. Jailhouse rapists select victims from the least violent segments of the prison population. And even the most dangerous prisoners hardly deserve the real threat of death from AIDS. The success of the reform efforts will depend on whether the public is willing to recognize that even convicted offenders have fundamental human rights—and that condoning repeated violations of those rights serves no legitimate public purpose. **NR**

■ CHINA ■

Beijing, Past and Future

What the Tiananmen Papers show

JOHN DERBYSHIRE

JANUARY 8 saw the publication of the so-called "Tiananmen Papers," transcripts of high-level discussions among the Chinese leadership in the period leading up to the suppression of the 1989 student movement. What do these documents reveal about the inner workings of the Chinese leadership? What guidance do they offer to the new U.S. administration in the task of, as foreign-policy wonks say, "managing the relationship" with China? And what can they tell us about the future course of events in China?

Though they offer few surprises, the Tiananmen Papers fill in some key details for us and give a precise chronology of the decision-making that led up to the victory of the hard-liners and the storming of Tiananmen Square in the early hours of June 4, 1989. We already knew from indirect evidence what *kinds* of things must have been said, but it is fascinating to read the actual words spoken by China's senior leaders during the crisis. These documents serve to remind us of the fundamentally lawless nature of the Chinese Communist government. The fact of their having been leaked to the West, together with the fierce indignation with which Beijing has denied their authenticity, also offer some clues about differences of opinion at the highest levels of the Party apparatus.

In the matter of lawlessness, it is clear from the Tiananmen Papers that Jiang Zemin, the current president of China and general secretary of the Communist party, owes his positions not to any constitutional procedure, but to a voice vote taken on May 27, 1989, by the "eight elders," a cabal of senior party leaders led by Deng Xiaoping. You will search China's constitution in vain for any reference to this body, yet they made all the key decisions leading up to the June 4 massacre.

Jiang's term of office as party leader ends in October 2002, his presidency in March 2003. Jiang's second-in-command, Li Peng, also holds party and state positions due to expire in those years. These two men were the hard-line victors of the 1989 uprising. Li managed the suppression of the student movement; Jiang replaced a more liberal general secretary, who was cashiered by the "eight elders" and has been under house arrest ever since. By clarifying the roles of these two men in the 1989 atrocities, and by showing the illegitimate nature of Jiang's ascension, whoever leaked the papers may be hoping to weaken Jiang and Li—and by extension, the hard-line faction they represent—preparatory to the changing-of-the-guard period that begins next year.

However, while the leaking of these papers suggests the presence of a faction pushing for political reform, the *content* of the material does not offer much hope for the success of this faction. To the contrary, we see the ease with which party hard-liners dispatched their opponents, once everyone was convinced that there was a serious threat to Party supremacy. Nor do these conversations indicate that "reform" means the same thing in the upper ranks of the Chinese Communist party as it does in the minds of Westerners. The most liberal of the leaders represented here is Zhao Ziyang, the one now under house arrest, and presumably the inspiration for younger reformers. Zhao speaks encouragingly of:

> . . . the need to accelerate the reform of our political system, especially the building of a system of socialist democracy based on law. Times have changed . . . democracy is a worldwide trend . . .

So far, so good. But then:

> We must, of course, insist on Communist party leadership and not play around with any Western multiparty systems.

Of course.

Mr. Derbyshire is a contributing editor of NATIONAL REVIEW.

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Another impression that emerges very strongly from the Tiananmen Papers is of *Chineseness*—most especially, of long continuity in the thinking of China's leaders. Some of these conversations might have come from the Imperial reactionaries of the "Hundred Days" back in 1898, when an attempt to reform the old imperial system was crushed by the Dowager Empress Ci Xi. Among the invariants of Chinese leadership psychology is the conviction that all China's misfortunes are caused by the manipulations of malevolent foreigners. Li Peng (April 28, 1989): "This turmoil is the result of long-term preparation by a tiny minority of bourgeois liberal elements hooked up with anti-China forces outside the country."

Given that Li, Jiang, and the rest of China's current leaders—the victors of the 1989 struggle—are now in their seventies, can we hope that a younger, more open generation is in the wings, impatient to take over and to try their hand at genuine reform? I doubt it. The Chinese Communist party may have sunk into Brezhnevism—there is precious little ideology on display in the Tiananmen Papers—but they have done so in a much happier economic environment than Brezhnev's USSR. China's ruling class is fat from corruption, a bloated *nomenklatura* with a huge vested interest in the status quo, and a much greater willingness than the Soviets had to permit economic freedoms—so long as they are allowed to skim off the cream for themselves. Anyone with ideas about real political reform will face this entrenched ruling class, determined to defend its wealth and privileges, and well able to do so as long as the economic pot can be kept bubbling.

Ninety-five years ago, Sun Yat-sen, struggling to bring down the decaying Manchu dynasty, put forward his "Three People's Principles": nationalism, democracy, and socialism. Few of Sun's ideas made much headway in the chaos of imperial collapse and the warlord period that followed, but the "Principles" did at least identify the three arenas in which China's future was then to be, and is still to be, decided: the national, the political, and the economic.

The 1989 uprising was a crisis in the second arena, a political crisis. The student marchers, and the millions of citizens who lined the streets to cheer them on, were sick of the Communist party's Communists have, in their own way, addressed these issues. They have overhauled the state religion, fortifying the empty clichés of Marx- and Mao-think with a heady infusion of hypernationalism, historical grievance, and racial victimology. The snooping and bullying has been much reduced, and citizens who do not attempt to organize themselves into groups outside the Party now have wide latitude in what they can say and do. (This is the state of affairs memorably labeled by political scientist Karl Wittfogel "a beggars' democracy.") Corruption continues to soar, but is now more decently veiled, and offenders who have not been sufficiently careful to cover themselves with strong political patronage are occasionally punished.

Politics has, in short, been taken care of. The next great crisis in China will take place in one of the other two arenas identified by Sun Yat-sen: the national or the economic.

China's "national question" is still unresolved. What exactly *is* China? Does it include the "three T's"—Taiwan, Tibet, and East Turkestan ("Xinjiang")? Any mainland Chinese will tell you, usually with great vehemence, that it does, always has and always will. The actual inhabitants of those territories, however, have a different opinion. This fact will sooner or later assert itself, to the deep discomfort not merely of China's leaders, but of ordinary Chinese people, who are unwilling to acknowledge that their "nation" is actually the old Manchu empire, reassembled by force (though minus Outer Mongolia, which the Chinese still covet).

Jiang Zemin by Ismael Roldan

Economic crisis will strike when the gross inefficiencies in China's economy cause it to fall behind the sleeker, less corrupt models of East Asia and the West, causing the steady year-on-year gains of the last two decades to drop to zero or go negative. The keys here, intimately linked, are corruption, environmental degradation, and the rule of law—the first and second present at staggering levels, the third nowhere to be seen. Even the Taiwanese, who have had (and still have) their own problems in this area, are taken aback by the scale of mainland corruption. Last year, Taiwan businessman Winston Wang entered into partnership with some mainland investors to build six semiconductor plants. His proud boast that one of the mainland investors was the son of Jiang Zemin aroused widespread comment in Taiwan, much of it in tones of disgust. Jiang's son, and the thousands of other "princelings" who are sapping the nation's economic vitality, are of course above the law. (Not necessarily something to look for in a business associate. In 1998, Li Peng's son closed down a mutual fund he had been a partner in and walked off with $120 million, stiffing several thousand small investors, some of whom had had their life savings in the fund. Pressed to act, the Chinese authorities arrested Li's Taiwanese business partner and sentenced him to death!)

The idea that the release of the Tiananmen Papers presages some kind of political crisis at the scheduled "changing of the guard" in 2002–3 is therefore, I think, mistaken. The People's Republic is fundamentally unstable in all three of the aspects identified by Dr. Sun—as a nation, as a polity, and as an economy. The Tiananmen Papers show that the Communist party is considerably adept at managing political instability and crushing reform. They are masters of politics. Whether their brutish, lawless methods will be as successful in managing a territorial or economic crisis remains to be seen. **NR**

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■ CULTURE WATCH ■

The Untempting *Temptation*

Where have you gone, Salome?

ANDREW STUTTAFORD

ALL those organizations with the word "family" in their names can relax. The Fox network's new *Temptation Island* is no threat to the American republic, the institution of marriage, or the morals of our young. The first episode was, however, a terrible waste of an hour, 9–10 P.M. on Wednesday evening, quality time that could have been better spent watching World Championship Wrestling, *Rivera Live*, or—for those in need of cheering up—*Surviving*, a movie about double teen suicide.

In case you have not seen a newspaper recently, let's start with *Temptation Island*'s premise. Four "unmarried couples at a crossroads in their relationships" are taken to a tropical island. The lovebirds are then separated, and each of them will be "set up on a variety of dates" with some of the 26 "fantasy" singles who have also been taken there by Fox. The idea, and, allegedly, the drama, is to test the strength of these relationships. "This could rip two people apart," gloats one potential seducer.

Oh, really? Call me old-fashioned, but any couple agreeing to "test" their relationship in this way are not at a crossroads. They are at a dead end. There's no test, no one is going to be "ripped apart." If you want to talk test, talk Gandhi. That iron man of abstinence used to test his commitment (to celibacy, as it happens) by sleeping in the same bed as a naked woman. Nothing, we are told, ever happened. That is what I call a test. Now, I never knew Gandhi, but I did watch the couples of *Temptation Island*; and Billy, you are no Mahatma. Nor, Taheed, Mandy, Kaya, Valerie, Ytossie, Andy, and Shannon, are any of the rest of you.

If, then, viewers cannot look forward to the vicious destruction of previously strong relationships, can they at least hope for some smut? Once again, the answer is almost certainly no. The first hour featured bikinis, shorts, and a few naughty comments, but on the whole the show was tamer than *Baywatch*, and the cast, it has to be said, are not as good-looking. To be sure, the initial episode was set up as a teaser, but the same, I suspect, will prove to be true for the rest of a series that is likely to pack about as much erotic excitement as an MTV beach-volleyball special.

Of course, subsequent episodes will doubtless feature what the British call a "snog" or two (ask Austin Powers), but much more than that will have to take place behind closed doors. Nudity? Not a chance: This is network TV. We can rely on Fox's killjoy pixels to blur what little voyeuristic fun there is to be had. What will be on display is far more shocking. In a future episode, we can apparently expect to see one of the participants (a grown man!) weeping on the beach. On Wednesday night we already saw some sobs from two of the ladies, Ytossie and, I think, Shannon. If this is what Fox is coming to, I might as well turn to Lifetime. Worse, there is a strong possibility that these early tears were only the overture. It is likely that much of the show will be dedicated to tantrums, wailing, whining, complaining, confessions, hugging, handholding, insincerity, sincerity, empathetic moments, and men and women telling each other what they really, really feel. In fact, watching *Temptation Island* will be much like witnessing someone else's marriage-counseling sessions, and about as entertaining. Sartre was wrong: Hell is not other people, it is other people's problems.

■

What else can we expect after eight years of a president who wants to feel our pain?

■

What else can we expect after eight years of a president who wants to feel our pain? This is the Age of Oprah. We talk about everything; the notion of a private sphere of behavior is dying. Emotional restraint is considered to be a psychiatric problem rather than a necessary virtue. Publicly baring the body, a respected form of degeneracy since the days of Salome, may be too much for Fox, but baring the soul, it turns out, is quite all right. Of course, the latter is much more of an imposition on the rest of us, as even the most strait-laced should realize. Most strippers (Salome was an exception) ask nothing more from their audience than the dollars in their pockets. Emotional exhibitionists like the gang on *Temptation Island* are far more demanding. They

Mr. Stuttaford is a writer living in New York.

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would like us to share in their drama, and, yes, to feel their pain.

To some critics, this is a degrading spectacle, the show-biz equivalent of tearing the wings off some not-very-intelligent flies, a callous and potentially destructive exploitation of four supposedly close-knit couples. Unfortunately, the critics would be wrong even if these relationships were as strong as Fox would like us to believe—because, if anyone deserves humiliation, it is Kaya and his friends (yes, Kaya is a he). They will be contaminating my television with their simpering psychobabble and penny-ante angst. They *should* be punished.

Newsmakers

Hell is not other people, it's other people's problems.

Far from being humiliated, however, they will revel in all the attention. They will be praised for their honesty, for "coming to terms" with themselves. If there is any residual embarrassment to the participants, it will be eased by the greatest of all the rewards this country has to offer—not money, but celebrity. If these couples play their cards right on *Temptation Island*, they could make their way to America's pantheon, right up there with Tonya and Monica, and even (dare to dream) Darva and Rick.

The show's 16 million viewers can either reach for the off switch or remain slumped on the sofa, hypnotized by the sheer tackiness. Those who are fascinated, but mortified, can reassure themselves that none of this is really "real": The island itself is already an alibi, a Robin Leach fantasy of tumbling waterfalls and enchanted beaches, a place where the ordinary rules are suspended. And then there are the players themselves, some with the sort of otherworldly names last heard on the bridge of the *USS Enterprise*: Kaya, Ytossie, Dano.

As for their jobs, well, let us just say that this is the least representative cross section of America since the Village People. Participants on the show include a singer, a singer/poet, a singer/waitress, an aspiring entertainment reporter, a practicing entertainment reporter, a bartender, the founder of an online dating service, a model/actress, an actor/drummer, the owner of a kayaking company, an artist, a masseur, Miss Georgia 2000, a teen-crisis counselor, and a motocross guy. And then, in a final hint that none of this really matters, there was the network's proviso that none of the parties should be married. It was a curiously old-fashioned gesture: a statement, in effect, that a "relationship," whether at a crossroads or not, is somehow less worth protecting than the real thing, marriage.

What a pity, then, that one of the couples turned out to be parents, the parents of a "real" child. That was against the rules too, and the wicked pair has been thrown off the island. It is on film, of course. We will be able to see it for ourselves in a few weeks. And so, one day, will their child. **NR**

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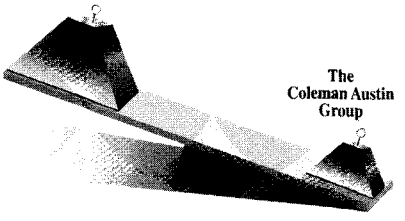

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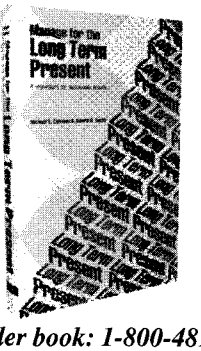

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'Conservative' and 'Racist'

The Ashcroft nomination and the Left's foulest card

RICHARD LOWRY

'NO ONE is suggesting he's a racist," commentator Mark Shields recently remarked of attorney general-designee John Ashcroft. In this, he was repeating a familiar liberal line. But his comment needs to be carefully parsed, because Shields wasn't using "no one" in the strict sense—meaning "no one"—but in the loose sense, meaning, "Some people actually are calling him a racist." Rep. Maxine Waters has said, "Senator Ashcroft acts like a racist, walks like a racist, and talks like a racist." Of the ex-senator's opposition to Judge Ronnie White—rejected for a seat on the federal bench by Senate Republicans, led by Ashcroft—Jesse Jackson complained, "It was an appeal to race." Sen. Pat Leahy suggested the White controversy meant that we had "reverted to a time in [our] history when there was a color test on nominations."

That's hardly "no one." But Mark Shields's remark is noteworthy not just because it is inaccurate. It is part of an odd liberal two-step in the fight over Ashcroft's confirmation: Race is not the issue, or so we're told; and at the same time, it's one of the chief issues. No one can question Ashcroft's integrity, his more responsible critics concede; but his nomination should be rejected *anyway*, partly because he's being *called* a racist by certain less responsible critics. Indeed, what is at stake in this nomination is an attempt to define racism down, to institute in public life a new racial McCarthyism that would disqualify any public official who is merely *accused* of racism, and render conservatism itself a form of de facto racism.

Agence France Presse

The embattled nominee

New York senator Chuck Schumer has allowed he doesn't think Ashcroft is a racist, "but at certain instances, I don't think he's shown enough sensitivity toward America's long and troubled history with race." Activist Ralph Neas goes further: "We do not contend that he is a racist. That's a straw man erected by his supporters." Actually, it is a straw man erected by his detractors—but that is a mere quibble. Neas finds Ashcroft unsuitable because of his "extraordinary racial insensitivity."

There is a reason "insensitivity" became the most famous watchword of campus political correctness. It was useful to campus liberals because its elasticity served to make *anyone* potentially guilty of it. "Racism" is a word with a fairly precise meaning—animus against individuals or groups based on race. The charge of racism is largely falsifiable, in that it can be evaluated in fairly objective terms (hence, its inconvenience to Ashcroft's critics—even Pat Leahy must admit he never heard Ashcroft "make a racist comment"). "Insensitivity," in contrast, is more subjective; it's a moving target that doesn't depend on any identifiable attitude on the part of the offender, but on the sensibilities of those taking offense.

In the case of John Ashcroft, of course, it is black-activist groups ("civil-rights groups" is a misnomer) that are offended. It is on the authority of their professed outrage or fear that the likes of *Wall Street Journal* columnist Al Hunt—chary of calling Ashcroft a racist himself—hang their anti-Ashcroft case. Watch the two-step at work: "No one should doubt Mr. Ashcroft's sincerity [i.e., by any objective standard, he's not a racist]," Hunt writes. "But neither should anyone doubt that collectively, to many African-Americans, [his] positions suggest an insensitivity, or even hostility."

Now, if it's true that Ashcroft is a man of integrity, the worries of black groups should be dismissed as unfounded or trumped up. If, on the other hand, black groups are right that he is "hostile" to blacks, no one should be saying that he is a man of integrity. Both cannot be true. But Hunt and other Ashcroft critics square the circle by making the very fact that Ashcroft is being *called* a bigot—regardless of the merits of the charge—among the most damning counts against him. As *Time*'s Jack E. White summed up the case, "Ashcroft has consistently appealed to the right-wing of his party, even when his approach *risked appearing* racist" (emphasis added).

"The appearance of impropriety" is a standard Washington weasel phrase used to accuse people of corruption when there is no evidence of it. It, like "insensitivity," has the advantage of being non-falsifiable. You may be able to prove that you didn't take a bribe, but how can you ever prove that you didn't "create an appearance" of doing so? Jack White's "appearance of racism"—and especially his "risk of the appearance . . ."—are similar to "the appearance of impropriety." So Ashcroft's problem isn't that, say, his Bob Jones degree or *Southern Partisan* interview actually demonstrates

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that he is a bigot, but that he created an opportunity for black groups to call him one—hence he "risked appearing" racist.

Washington Post columnist Colbert King has also resorted to the two-step: "[Ashcroft's] defenders pretend the main charge lodged against him is that he's a racist. A few are saying that, but they don't represent the majority. Besides, the racist charge has now become a red herring that diverts attention from a close look at what he stands for." And how does King conclude? After a few paragraphs of "close" attention to what Ashcroft stood for in the Ronnie White case, he writes, "Ashcroft, in fact, calls to mind the example of Arkansas Gov. Orval Faubus, the aggressive opponent of desegregation at Little Rock's Central High School."

Well, which is it? Is it a diversion to call Ashcroft a racist, or appropriate to compare him to a vicious segregationist? For Ashcroft's fiercest critics, of course, the very act of opposing a black judge proves his racial perfidy. Nan Aron of the Alliance for Justice calls Ashcroft's opposition to Ronnie White "a hate crime." But this position quickly collapses of its own reductive absolutism. By its logic, Ashcroft's opposition to another black Clinton nominee to the federal bench, Frederica Massiah-Jackson, must also have been driven by racial animus. But we don't hear much about Judge Massiah-Jackson, because she had cursed at prosecutors in the courtroom, and engendered the opposition of even Democratic district attorneys in Pennsylvania (her home state). Her example shows that sometimes—shocking though it may seem—it's quite reasonable to oppose a black judge.

Again, in the case of White, Ashcroft's more high-toned critics try a slippery argument. Al Hunt doesn't charge Ashcroft with blatant racism, but accuses him of playing the "race card for political purposes." The White controversy prompts Colbert King to make his comparison to Faubus, who the columnist maintains wasn't a true-believing racist, but a cynical manipulator. Ashcroft, similarly, wasn't motivated by racist sentiment, he just played to it: "He was motivated by opportunism, not racism; but the outcome was all the same." But there is no evidence Ashcroft either appealed to racism or achieved a racist goal in defeating Judge White.

It was White's dissent in the James Johnson case, calling for a re-trial of the

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quadruple-murderer, that provided Ashcroft with his most potent weapon against the judge. But Johnson the murderer was white, and the case didn't have the slightest racial overtone. The only possible indication that Ashcroft played to racial feelings in the controversy was the mere fact that Judge White is black. So, the Hunt/King argument is simply another form of the crude idea that race, ipso facto, must be a factor in the rejection of any black nominee.

Or of any other minority, for that matter. *New York Times* columnist Frank Rich expands the case against Ashcroft, finding in his record a "truly ecumenical hazing of all minority groups." Why? "He has not just attacked African-American candidates for federal jobs (including the distinguished surgeon general David Satcher), but has also targeted Asian-Americans (the assistant attorney general for civil rights, Bill Lann Lee) and homosexuals (Ambassador James Hormel)." But, by a similar argument, Rich can be said to be attacking evangelicals because of his opposition to Ashcroft, and may even be anti-gay because in his former career as a theater critic he must have sometimes found occasion to find fault with gay actors.

This absurd identification of individual nominees with their ethnic groups (oppose Satcher, oppose blacks collectively) works only one way: when conservatives oppose or criticize liberals. No one accused Linda Chavez's opponents of being anti-Hispanic, or Clarence Thomas's enemies of being racist. The *New York Times* is careful to dismiss such a line of argument when it comes to its own doubts about Ashcroft: Questions about "whether Mr. Ashcroft's religious convictions might unduly influence Justice Department policies ought not be misrepresented by his supporters as an assault against his faith." Oh, *of course* not.

Group identity applies only to liberals because all these arguments aren't meant to be consistent or logical necessarily, but to help render an entire philosophical viewpoint racist, or at least insensitive, and therefore illegitimate. To adapt Frank Rich's terms, it is the "hazing of conservatives." The nub of the problem with Ashcroft is not Bob Jones or *Southern Partisan* but his substantive positions. And when it comes to issues, Ashcroft critics rely on the totemic power of certain words to prove his unfitness.

It is repeated again and again, for instance, without any elaboration, that Ashcroft as Missouri attorney general opposed "voluntary desegregation." It is simply assumed that only a racist, or someone really insensitive, could possibly oppose a "desegregation" plan, especially a "voluntary" one. But as Richard Nadler pointed out in National Review Online, every Missouri attorney general from 1980 on fought the $3 billion, court-ordered desegregation plans, which always failed to further the integration of the schools in St. Louis and Kansas City (this must make Ashcroft's successors William Webster and Jay Nixon, a Democrat, racists too).

Ashcroft's positions on affirmative action and hate crimes (even though he actually signed a hate-crime bill in Missouri) are treated in a similar way—as presumptive evidence of racial insensitivity. Hunt writes, "His record on race issues is pervasively negative." Jack E. White says Ashcroft has "a horrendous record on race." *Pervasively negative. Horrendous.* This is simply name-calling that frees Ashcroft's critics from making any substantive argument. Do quotas hurt or help blacks? Are hate-crime laws a good or bad idea? Why argue when you can assert that such policies are essentially pro-black, ergo anyone who opposes them is negative, horrendous, anti-black?

This is an escape from argument that helps keep "civil rights" advocacy in America an infantile disorder. No claim need be rationally examined, no paranoia receive a reality check. Hunt writes, "One of the most serious criminal justice problems in America is the widespread perception by many African-Americans that the system is stacked against them. Whether exaggerated or not, it only will be exacerbated with John Ashcroft as attorney general." So, another strike against Ashcroft: He will "exacerbate" the "exaggerated" sense of injustice felt by blacks.

If Ashcroft's opponents prevail, national politics will take on the cast of campus debates on race. It will become out of bounds, essentially, to disagree with liberals: Conservatives are offensive to black groups, therefore they are insensitive, therefore they are unfit for office. This is a grab for ideological power, by the same McCarthyite, bullying means that has helped lend college campuses such as Brown and Antioch such a whiff of the authoritarian. By defeating Ashcroft, his critics will have cut off a good bit of the political spectrum from respectability. And they will have accomplished a most extraordinary—and, one would think, counterproductive—thing: making being called racist a sign of courage and good sense. **NR**

A Battle, and an Opportunity

Make a stand with Ashcroft

WARD CONNERLY

THERE is a profound culture war being waged in our nation. Sometimes we fight about race, sometimes about religion, and often about political ideology. Navigating the battlefields of these issues, one by one, is always a dangerous task. But there is no terrain in America more treacherous than the three-way intersection of race, religion, and political ideology.

With the nomination of John Ashcroft, George W. Bush has boldly brought the nation to this intersection. Ashcroft is a political conservative, a Christian, and a man who believes that, as President John Kennedy put it, "race has no place in American life or law." At another time and another place in our history, the nomination of Ashcroft would not have stirred passions or controversy. What causes such fear and animosity now? Why is Ashcroft portrayed as a "right-wing

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extremist," "anti-woman," and a "racist bigot"? And what are the consequences if this man is not confirmed?

From our inception, the premise that America is a "God-fearing" nation has been universally embraced. Just a few short weeks ago, we were not terribly disturbed when a man running for vice president, on the Democratic ticket, invoked the name of God at virtually every campaign stop. Now, abortion is a very difficult issue for most Americans. As is usually the case, reasonable people can disagree, and we need not dismiss those on either side as "extremists." Many Americans draw on religion in figuring out what to believe about abortion. All of this is by way of saying that those who oppose abortion represent a significant and respectable segment of the American public. They are not "right-wing zealots outside the mainstream," as Ashcroft's opponents seek to portray him.

George W. Bush ran as "a uniter, not a divider"—but he could not have made a nomination more certain to highlight America's culture war, and to focus attention on the major participants in this war, than that of John Ashcroft to the position of attorney general. If Ashcroft had been named to any other position, he would have endured a fair amount of opposition because of his religious convictions and political ideology. But attorney general has historically been viewed as the race domain, and Ashcroft's appointment to that post was bound to cause an explosion. Here is what the fight is all about.

On one side are those guided by the strict construction of the Constitution, and who still find relevance and true meaning in the Declaration of Independence. They are loosely defined as "conservatives." On the other side is the "by-any-means-necessary" (BAMN) crowd, a slice of our population that liberally interprets the Constitution, and for whom anything goes, for whom principles can be compromised or sacrificed in order to achieve some centralized, socially engineered result.

The charge against Ashcroft that transcends all others is that he is a racist. In America, this is the trump card. All by itself, it has the power to wreak destruction. Bush's political enemies understand ideological warfare, and they know that branding someone with an "R" puts that individual on the defensive, even if there is no substance to the charge. Throw in the fear that the person will shut down abortion clinics and introduce God into the affairs of government, and you have effectively created a political monster with a bull's-eye on his back.

Again, the Justice Department historically has been considered the domain of those who want the federal government to be "creative" and activist in defining and pursuing a legal strategy for problems relating to race. Beginning with the 1960s civil-rights movement, there has been an expectation that the department would be the agent of change and activism. As we saw in the Clinton administration, Justice has been guided less by law than by notions of "equity" and "social justice."

On the day of his nomination, Ashcroft promised to enforce the nation's civil-rights statutes, so that the rule of law "knows no class, sees no color, and bows to no creed." That seems not only eminently reasonable, but a national imperative. Yet the BAMN crowd sees it as a direct attack on their power. The claim that Ashcroft's personal beliefs will impede his enforcement of the law is specious. He is a man who has profound respect for the rule of law. What frightens the daylights out of the BAMN people is the idea that Ashcroft *will*, in fact, enforce the law, as it is written, and that he will seek to guarantee equal protection under the law for every person, rather than use his position to mete out privileges and "social justice."

A central point of contention is that Ashcroft led the opposition to the nomination of Judge Ronnie White to the federal bench. This opposition, it is argued, proves Ashcroft's "racial insensitivity," for the judge is black. Yet Ashcroft, in his term as senator, voted to approve 26 of Bill Clinton's 27 black judicial nominees. His record, over a long political career, of selecting, promoting, and approving minority candidates for political or judicial office stands in stark contrast to the hysterical and shrill cries of his detractors. They are simply trying to put an "R" on the forehead of a conscientious conservative.

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What frightens the daylights out of the special-pleaders is the idea that Ashcroft will, in fact, enforce the law as it is written.

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When I was in college, my favorite political-science professor once said to me: "Mr. Connerly, the day that I can call you an S.O.B. just because I happen to be angry about something you did, and not have you think of me as a racist, is the day that we will have overcome the problem of race." If race is central to the current drama because John Ashcroft blocked a black judge—and it is—then we as a nation have not yet overcome. The first senator to announce that she would vote against Ashcroft was Barbara Boxer of California. Boxer said that she would do so because of Ashcroft's vehement opposition to the Ronnie White nomination. "I hate to use a charged term, but it's my heart talking here. I really think it was a political lynching that happened there in the United States Senate," she said. And there we have it.

Two years ago, I counseled GOP leaders to confront the issue of race, debate race preferences, and expose self-anointed black "leaders" for what they have become: an intensely partisan, hyperbolic, power-crazed group who care little about finding solutions to America's problems. The New York demagogue and race-baiter Al Sharpton recently said about the Ashcroft nomination, "We are going to have a war." Well, I would give him what he wants. But instead of fighting him and his ilk, we conservatives have usually tried to pacify or ignore them in the hope that they might go away or soften their attacks. When will we learn that, in the realm of politics, compassion is not an effective response to hand grenades, snipers, and nuclear bombs? "I love you, man" will not suffice to deter those lacking good will.

Of course, because Ashcroft is a conservative, he is subject to a level of scrutiny not given to other nominees. For example, what if it were discovered that he had once referred to Chinese people as "Chinamen," which many people consider

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a derogatory term? There is no record of John Ashcroft's having used the term, but Colin Powell did, in a 1996 speech. Facing public criticism, he apologized, stating that he meant no insult.

I raise this point not to suggest that Colin Powell should be punished for making such a remark—he is fully deserving of confirmation. But so is Ashcroft. The difference is that Powell is a "moderate" who supports race preferences, and, as such, he is protected from the level of scrutiny imposed on Ashcroft—a conservative who opposes race preferences. There is a double standard.

It seems to me that our nation is at a critical juncture on race. Conservatives and the by-any-means-necessary army offer radically different prescriptions for healing America's racial wounds. Our nation will be a substantially different place if it embraces one approach as opposed to the other. If BAMN has its way, "diversity" will become an excuse to discriminate and a compelling rationale for admitting college students on the basis of race. If John Ashcroft is defeated, those forces will have proven once again the power of the race card. If BAMN is allowed to equate "affirmative action" with equal rights, then they will have prevailed.

Racial-identity politics has corrupted and overwhelmed the process of democracy in our nation, and nowhere is that in greater evidence than in the capital's halls of power. It is used as one of the weapons in the ideological war to bludgeon political opponents because, in a testament to our nation's racial sensitivity, being called a racist is one of the deepest wounds one can inflict on an enemy. So overused and overwrought is the charge of racism—or "racial insensitivity," in the euphemism—that the force, impact, stigma, and shame associated with discrimination is cheapened. If a good man like John Ashcroft is attacked with such an unfitting charge, not only is his reputation a possible casualty of the war, so is our collective sense of moral outrage when real acts of bigotry crop up. Americans of conscience cannot let this occur.

This nomination presents a unique opportunity for us to have the dialogue about race that we were denied in the presidential campaign. Considering reckless charges of "disenfranchisement" in Florida, the witch-hunt being conducted there by the U.S. Commission on Civil Rights, and the unprincipled attacks on John Ashcroft, we *must* have this dialogue. Through the confirmation process, we can educate the country about the shameless exploitation of race by the race-merchants, and we can deal a blow to the BAMN ethic that has held too much sway in American life and politics.

I do not agree with John Ashcroft on every issue—but I know that he is a decent and fair man. I am comforted by the fact that he is a passionate conservative. I believe his heart is filled with an abundance of "compassion"—but I want a U.S. attorney general who will be guided by the rule of law, not necessarily by compassion. Leave that to others in the Bush administration. For eight years, we have put up with a crowd that is pro-abortion, pro-race preferences, and devoted to the "by any means necessary" ideology. I don't think our country has much to fear from a passionate conservative in an administration of "compassionate conservatives." No, it has much to gain. **NR**

The Chavez Debacle

A personal account

JOHN J. MILLER

LINDA CHAVEZ called me at home a little before midnight on Saturday, January 6, worried. "Something has come up that may derail my confirmation," she said. Just four days earlier, President-elect Bush had nominated her for secretary of labor, in a move that surprised and delighted conservatives. I was certainly excited. Chavez had been my boss for five years. She was my mentor, and friend. And now there was a problem. Before I could even guess what it might be, she asked, "Do you remember Marta?"

I spent the next four days answering this question, not only to Chavez, but to the FBI, and the country in general. The nomination hinged on this matter of Marta Mercado, a one-time illegal immigrant from Guatemala who lived with Chavez in the early '90s. The scrutiny of their relationship became so intense, and the resulting confusion so great, that Chavez came to believe she had no choice but to withdraw her nomination. Yet from my perspective—an admittedly personal one, though informed by a close familiarity with the circumstances—she was confirmable right to the end. And, by not supporting her during a spell of foul weather, the Bush transition team has damaged its own short-term interests by allowing its enemies to focus fire on attorney general nominee John Ashcroft; it has damaged its long-term interests as well by denying itself a principled conservative whose life story is an inspiring lesson of achievement and charity.

A DANGEROUS REAGANAUT

There was never a doubt that Linda Chavez's confirmation would be rocky. She is perhaps the country's most articulate critic of bilingual education and a forceful advocate of color-blind equal opportunity. She also happens to be a Hispanic whose family roots in New Mexico go back nearly four centuries. Chavez first came to national prominence when President Reagan tapped her to lead the U.S. Commission on Civil Rights. She was still a Democrat at the time, working at the American Federation of Teachers—where, incidentally, she had penned the union's 1980 endorsement of Ted Kennedy for president. Conservatives greeted her appointment with some skepticism back then, but it wasn't long before they fell in love. Hers was a textbook case of neoconservative conversion—a hawkish Democrat from a working-class background who was first attracted to the GOP because of its strong anti-Communism. Like Reagan, Chavez has maintained that she didn't leave the Democratic party, but that it left her.

Her views are often said to be "controversial," but in reality they are in keeping with those of the American public, which is fond neither of teaching immigrant children in languages other than English, nor of sorting citizens by the

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color of their skin. Yet both bilingual education and racial preferences are important totems of modern liberalism. Opponents view Chavez with the special antipathy reserved for the likes of Clarence Thomas and Ward Connerly. If those two men have been called "Oreos"—black on the outside, white on the inside—Chavez is said to be a brown-colored version of the same thing, a "coconut." Activists on the left will stop at nothing to keep people like Chavez from rising to influential posts, because they know they are living examples of why the Left's mindset is so disconnected from reality. In simple terms, the activists view Chavez as a race traitor.

The *New York Times* mentioned this sentiment with startling indelicacy in a story the day after her nomination: "Her opposition to affirmative action has caused her to be vilified by civil rights groups and to be physically threatened when she has spoken on college campuses," wrote reporter Steven A. Holmes. "That opposition—combined with her marriage to a Jew, Christopher Gersten, and the rearing of her three sons as Jews—have [*sic*] prompted some to term her a traitor to her people."

UPI Photo Service

Chavez: A brief, brutish time in the spotlight

Chavez clearly elicits strong emotions, and she knows it. From the moment she was nominated, she anticipated a difficult fight. "I expect the very worst," she told me on January 5. By then, the worst already had started to come. In a statement released right after her nomination, AFL-CIO president John Sweeney dubbed her "an avowed opponent of the most basic workers' rights." As if this unthinking rhetoric weren't enough, Sweeney went on to allege, "She has been a vociferous and aggressive opponent of the federal minimum wage." When I read this, I scratched my head: It didn't sound like the Chavez I knew. I recalled a pair of columns, from the mid '90s, in which she criticized specific proposals to boost the minimum wage—but nothing to warrant calling her "a vociferous and aggressive opponent" of the wage itself. So I called the AFL-CIO, thinking that perhaps somebody had run across a provocative line buried in a stack of Chavez clips. A woman there told me they were still studying the matter, and, no, she couldn't point me toward any statement backing up the assertion. I called the next day, and got the same response. In the end, the AFL-CIO's opposition-research team came up empty—because Chavez never said any such thing. But that didn't stop Democratic senator John Kerry from echoing Sweeney: "She doesn't believe in the minimum wage."

There was a good deal more such distortion of her views. The "borking" of Linda Chavez was well under way—and then came the news about Marta.

When Chavez asked me on January 6 whether I remembered Marta Mercado, my answer was yes. I had started working for Chavez in December 1992. She was a senior fellow at the Manhattan Institute, and took me on as an assistant. Although the New York-based think tank then maintained an office in downtown Washington, Chavez worked primarily out of her home in Bethesda, Md. For the first six to eight weeks of my employment, I took the bus to her house every day and worked there from roughly 9 to 5. I got to know her husband, her kids, her pets—and Mercado.

Actually, I didn't get to know Mercado very well. But I did recall her, and Chavez wanted my observations. I remembered Mercado as a houseguest, someone who lived with the family for reasons I never fully understood and, frankly, never thought about. Sometimes she was in the home the whole day, and sometimes she wasn't there at all. Chavez wanted to know if I had thought she was an employee, such as a live-in maid, and I said no. If that had been true, I would have seen her vacuuming the carpets, mopping the floor, and dusting the office. I didn't recall her doing any of these things. I did remember her doing the odd chore, such as washing the dishes. What I saw was someone pitching in to help around the house, just as any family member or guest would do. And Mercado certainly wasn't a nanny—the youngest of Chavez's three children was 13 or 14 years old and didn't require that kind of attention. No, my impression of Mercado was that she definitely wasn't an employee.

This mattered, Chavez told me, because Mercado had been an illegal alien, and the FBI was asking around, as were a few reporters. Chavez had wanted to talk to me, she said, to refresh her own memory about Mercado's stay. She also told me a few things I hadn't known. Mercado came to her homeless and battered, and in desperate need of shelter. Chavez said that she occasionally gave Mercado spending money, encouraged her to learn English, and eventually helped her return to Guatemala. She had thought Mercado lived with her for about a year, but said that Mercado believed the period was more like two years. Finally, she said she knew Mercado was an illegal alien at the time of her stay. "When people are in trouble, I don't check for their green cards," she said. (Mercado has since returned to the United States, and is now a citizen.)

Our conversation turned to confirmation strategy—I urged her to go in front of a camera and tell her story as soon as possible, so that she could explain what happened before someone else tried to do so, falsely. Then I asked what I should do if someone came to me with questions about Mercado. I had in mind a call from a journalist, thinking "no comment" was an option. But Chavez assumed I meant the FBI, and she said: "Tell the truth." That was a given. I asked: "What about a reporter? I can always refuse to talk." She paused for a moment, then said, "Go ahead and tell them

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what you know." I'm glad I asked, because the next morning a newspaper reporter rang me, and that evening I taped an interview with a television network. In the days that followed, I did much more of the same.

THE FEEDING FRENZY

As the story unfolded, information of the sort that Chavez and I had to offer was exceedingly hard to spread or obtain. The Bush team forbade Chavez to talk to the press, and reporters clawed at a few details that persuaded them to believe that this was a reprise of the Zoë Baird and Kimba Wood experiences of eight years before, when a pair of Bill Clinton's candidates for attorney general were scuttled for not paying taxes on their domestic help. And if this weren't bad enough, Tucker Eskew of the Bush team added to the confusion by telling the media that Chavez didn't know Mercado was an illegal alien.

■

So many misperceptions might have been avoided if Chavez had been allowed to sit in front of a television camera for an interview.

■

This was not true. On January 12—three days after Chavez formally withdrew—Eskew told me his statements were based on "a misunderstanding." In fact, on January 6, Chavez told me exactly what she has maintained in public ever since the Mercado story came out: She knew Mercado was not in the country legally. Mercado has said that she told Chavez of her status about three months into her stay at Chavez's home, but Chavez doesn't recall this conversation. She says she probably knew the whole time. To a certain extent, it hardly matters. Chavez broke no law by housing Mercado. There is a legal term called "harboring" illegal immigrants, but this typically refers to smuggling them into the country, hiding them from the law, and receiving payment in return. Two former general counsels of the Immigration and Naturalization Service, Grover Joseph Rees of the Bush administration and Paul Virtue of the Clinton administration, have reviewed the Chavez case and determined that nobody would bother trying to prosecute her.

Yet it is against the law to employ an illegal alien knowingly. This matter takes on special importance during the background check of a woman nominated to enforce labor laws. Although it was clear to me from personal observation that Mercado was not an employee, others weren't so sure. A former neighbor of Chavez's, Margaret Zwisler, apparently told the FBI that not only had she hired Mercado to work part-time in her home, but she thought Chavez had maintained a similar arrangement of her own. In addition, Zwisler said Chavez had contacted her sometime in December, and that Chavez said she didn't plan to volunteer any information about Mercado. There have been suggestions that Chavez, by doing this, intended to manipulate a witness. Yet Chavez herself maintains that she simply wanted to refresh her own memory about Mercado's stay—which sounds exactly like her purpose when she called me on January 6—and can't believe anybody seriously imagines she would try to badger Zwisler, an accomplished attorney at a Democratic law firm.

The Mercado revelations took the Bush transition by surprise, and Chavez has spent much of her time apologizing for not letting them know about Mercado during what—it must be said—was a truncated vetting process. Yet she never lied to Bush aides, and she told them everything she knew about Mercado when it came up. Her mistake was in failing to reveal a non-crime. It might be said that her misjudgment was similar to that of George W. Bush's refusing to reveal the DUI arrest that made headlines right before Election Day. The main difference between the two cases is that Bush broke the law, and Chavez didn't.

Yet there were those in the media who hoped she had—and they seemed willing to twist facts in order to get the story they wanted. ABC News, which broke the story about Chavez, was especially aggressive in pursuing her. "Chavez says she occasionally gave [Mercado] money, a few hundred dollars at a time, and did not consider it pay for a job," said correspondent John Yang on January 8. Then he intoned, ominously, "Mercado is not so certain." Oh really? That's strange, because Mercado had been telling reporters over and over that she was not an employee of Chavez's. In fact, that was the story ABCNews.com had been posting all day long: "An undocumented immigrant who lived with labor secretary-designate Linda Chavez in the early 1990s told ABC News the Bush nominee gave her money out of kindness, not payment." It might also be noted that Margaret Zwisler's brother is Terry Moran, an ABC News correspondent, and that her lawyer, Neil Eggleston, is a former White House counsel for Bill Clinton and a close friend of Clinton-aide-turned-ABC-News-personality George Stephanopoulos.

There were also those who made it seem as if Chavez lived on a plantation manor, even though they had no real knowledge of the facts. Jesse Jackson charged "indentured servitude," no less. The AFL-CIO's Linda Chavez-Thompson (no relation) asked, "When you have a woman living in your home, then are you not, in fact, having indentured slaves working for you?"

So many misperceptions might have been avoided if the nominee had simply been allowed to sit in front of a television camera for an interview. Chavez could have said what she finally said in her withdrawal announcement: "I took [a woman] into my home in the early 1990s, who came from a very abusive relationship, who fled Guatemala at a time of turmoil in that country, who landed in the United States knowing no one and having no friends, and having no place to live and no way to support herself. I was asked by a friend if I would in fact provide her with a room in my home and try to help her, so that she could get back on her feet and eventually return to her family in Guatemala. And I did that. And I did that, even at the time knowing that there was some risk to doing it." That's not a bad story. In fact, it's downright compelling. Should Chavez really have turned

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Marta Mercado away? Imagine that she had—and that liberals, during her confirmation, had found out.

Add to this the stories of the people who surrounded Chavez during her withdrawal—the Vietnamese refugee who lived with her during the 1970s, the Puerto Rican children whose parochial-school tuition Chavez is paying, and so on. Here was all the diversity of the GOP's Philadelphia convention, with the added advantage of being authentic.

THE EXIT

Yet all of this remained bottled up, thanks to a gag order imposed on all cabinet nominees by the Bush team. As the hours wore on, and the media remained perplexed about Chavez and Mercado, support for Chavez took a nosedive in Bush circles. They said she hadn't been forthcoming. They questioned her loyalty. By Monday night, January 8, Chavez wondered whether she really had Bush's backing. On Tuesday morning, she told me she did in fact want to go forward with her nomination. But by early afternoon, she made a decision, on her own, that this wasn't possible without the full support of the transition office. So she chose to withdraw. And when she walked on stage to do that, a few minutes after 4:00 P.M. on January 9, no Bush representative came out with her. Chavez had suggested that somebody make an introduction, if only to prevent pundits from wondering why she was alone. She had been under the impression that a Bush person would accompany her on stage. It didn't happen, though, and she formally withdrew surrounded by family and friends.

Chavez has been gracious since her withdrawal, blaming herself in a round of interviews for failing to mention Mercado before her nomination. Yet it's hard not to conclude that a different media strategy from the Bush camp might have resulted in another outcome. At the very least, it would have forced the Left to split its resources between defeating Chavez and Ashcroft. It might also have led to the spectacle of Ted Kennedy, who sits on the Senate Labor Committee, having to explain during Chavez's hearings what, exactly, was wrong with helping a woman in need. In the long term, Chavez might have become an unexpectedly strong tool of Hispanic outreach, and a symbol for a Bush administration that wants to smooth off the hard edges of Republicanism. Imagine Chavez, as labor secretary, touring a battered women's shelter in the barrio every time she visited a city.

Now it won't happen. Bush never bothered to call Chavez about her withdrawal, but he wasted no time in replacing her with Elaine Chao, who immediately won praise from the AFL-CIO and Senate Democrats. Chavez, for her part, will return to the life she had been enjoying as president of the Center for Equal Opportunity and a newspaper columnist. She is disappointed with her experience, but some good may come of it. Chavez thought the rigors of confirmation would wind up demonizing her. Now she has exited looking fully human, and generous to a fault. For two years, people have wondered what it really means to be a compassionate conservative. In her brief, brutish time in the spotlight, Linda Chavez perhaps has succeeded in providing us with an answer. **NR**

Alan Dershowitz, Goofball

The professor's progress

BYRON YORK

ALAN DERSHOWITZ says he doesn't get defensive when people accuse him of going a little overboard in his analysis of the Florida presidential fight. Yes, he accused George W. Bush of staging a "legal coup d'état" and called secretary of state Katherine Harris a crook. But Dershowitz, the Felix Frankfurter Professor of Law at Harvard University, says his statements—made during a seemingly endless succession of television appearances—are part of his role as an educator. "I defend my positions," he says. "My job as a teacher is partly as a public provocateur."

Likewise, Dershowitz says he doesn't get defensive when people accuse him of going a little overboard in support of Bill Clinton throughout the Monica Lewinsky scandal. Yes, he accused Republicans of attempting a "legislative coup d'état" (there's another coup d'état). And yes, after Clinton gave his angry speech in August 1998 denouncing independent counsel Kenneth Starr, Dershowitz showed up at the Martha's Vineyard airport to give the president a hug. But that doesn't mean he lost his perspective. "I'm not a Clinton lover," he says. "Check my book *Sexual McCarthyism*. It includes repeated attacks on Clinton. I criticize his personal behavior. I think I stand for principle."

Finally, Dershowitz insists he doesn't get defensive when people accuse him of betraying his calling as one of the nation's leading law professors by joining the O. J. Simpson defense team. Yes, he played along with legal tactics that many experts found outrageous—he even held his tongue when fellow lawyer Johnnie Cochran compared Los Angeles detective Mark Fuhrman to Adolf Hitler. But he says taking the case was the right thing to do. "My involvement in the Simpson case is a proud moment in my life," Dershowitz explains. "There were very important issues involved. Well before it came up, I had been a big critic of police misconduct in search-and-seizure cases. This case proved my point. I'm very proud of my role."

For all his non-defensiveness, Dershowitz has to defend himself a lot these days. But the issue is bigger than elections and impeachments and O.J. Whatever the specific criticism, what Dershowitz is really fighting is the sense that in the past few years his career has taken a strange and, for some, sad turn. Dershowitz has always been a publicity hound and a self-promoter; there's an old line among reporters that "Alan Dershowitz was unavoidable for comment." But some Dershowitz-watchers—not the ones who see him as the raving lunatic they love to hate on television, but the ones who respect his extraordinary intellect and ability—believe that

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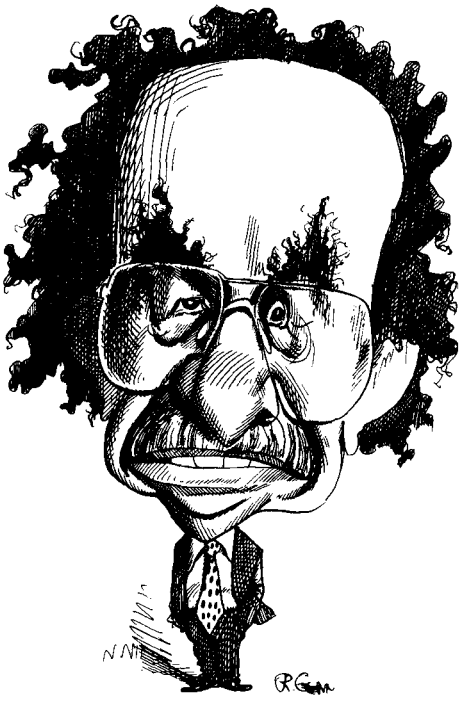
somewhere along the way he stepped over a line. For all his self-promotion and love of publicity, Dershowitz was at one time more *respectable* than he is today. The man who was once viewed as a flamboyant but solid civil libertarian has now taken on an almost clownish public persona. What happened?

'DREAM TEAM'

For most of Dershowitz's critics—and even some of his admirers—the answer begins with two letters: O.J. Even though Dershowitz had defended plenty of lowlifes in the past, many of them—the socialite Claus von Bülow, for example, who was convicted and later acquitted of attempting to kill his wife—might at least conceivably have been innocent. Others were indisputably guilty murderers whom Dershowitz saved not from prison but from the death penalty. But Simpson was something different—a man guilty beyond any reasonable doubt in a hyper-publicized case in which all of America saw the evidence in extraordinary detail. And Dershowitz helped him get off.

The public condemnation after Simpson's acquittal was enough to test even Dershowitz's appetite for controversy. He remembers the day the verdict came in. It was Yom Kippur, and he took his family to synagogue near his home in Boston. "Nobody would talk to me," he recalls. "Nobody would look at me. People were just furious with me." When the service got to the part about coming to terms with one's own sins, he got the distinct feeling that everybody, including the rabbi, was thinking of him. "I was a pariah," he says.



Alan Dershowitz by Roman Genn

A pariah, yes—but also the center of attention. And for Alan Dershowitz, that was the legacy of the Simpson case. Yes, he had made news in earlier years when he demanded freedom for Israeli spy Jonathan Pollard and when he came to the aid of Soviet dissident Anatoly Sharansky. But neither case—nor any other that Dershowitz had ever been associated with, not even von Bülow—attracted the white-hot attention the Simpson trial did.

Still, notoriety didn't do much good for the professor's reputation, among either the general public or opinion-makers. "I think that was an important turning point," says one Harvard Law alum who has had friendly relations with Dershowitz. "Von Bülow had been so exotic it made Alan more interesting without making him appear to be an ambulance-chaser. But his defense of O.J., and the way he did it on television, seemed to be unprincipled and a caricature of what's wrong with the bar, that they will say anything for money."

Part of the problem had to do with the fact that Dershowitz is not just a lawyer but a teacher at the nation's most prestigious law school. Was joining the Dream Team something a Harvard Law professor should do? "If you're a defense lawyer in the business of doing it for money, that's one thing, and I wouldn't criticize Cochran for taking on the case," says Stuart Taylor, a Harvard Law graduate who has covered legal affairs for the *New York Times*, *The American Lawyer*, and now *National Journal*. "But if being a law professor is your main job, and you're trying to teach students and have an educational impact on the larger world, it seems to me that acting simultaneously as a mercenary, either for money or for publicity, on behalf of people you know are clearly guilty of horrible crimes, is inconsistent with your teaching obligations. He's forfeited the right to be taken seriously as anything other than a very smart and talented hired gun."

That's the high-minded version of the Dershowitz critique. After O.J., Dershowitz found himself the target of far more scathing assessments: "Did you see who they brought in to speak for Clinton yesterday?" Jay Leno asked in a *Tonight Show* monologue after Dershowitz testified before the House committee considering the Clinton impeachment issue. "Alan Dershowitz. Is that a good idea? It's seems pretty sad when your only character witness is the same guy who defended O. J. Simpson."

Others might be crushed by such ridicule, but Dershowitz seems to thrive on criticism. He has always maintained that he takes ugly cases in order to teach the public about the law; the more they don't like what they hear, the more he feels he has succeeded. "I knew I would get criticism, including from my mother," he says of his decision to defend Simpson. "But I'm proud of my work in that case, particularly because it was so unpopular. I see that as being absolutely consistent with being a Harvard professor. That's precisely the kind of case that a Harvard Law professor should be in."

THE ALMIGHTY CAMERA

The Simpson case may have started Dershowitz's reputation on its downward slide, but it wasn't solely responsible. Perhaps just as important was another factor: the rise of talk TV. When Simpson was in court, CNN was the country's only cable news network; the trial was its last hurrah as an all-news monopoly. By the next year, 1996, CNN had competition, and people like Dershowitz had new opportunities to talk nearly non-stop on television. In addition, it was also a time of tight news budgets; the cable networks, long on time and occasionally short on material, came to rely heavily on talk to fill the air.

And there's no better talker than Alan Dershowitz. Last year, the *Boston Globe* profiled a business called VideoLink, located in Watertown, Mass., just minutes from Dershowitz's home. VideoLink is a television studio that can hook up to any network, enabling a guest in the VideoLink studio to do

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consecutive live interviews with different networks without ever leaving his chair. "Alan Dershowitz practically lives here," VideoLink's manager told the *Globe*. Dershowitz didn't disagree. "It's the best hangout in town," he said of the studio. "Where else can you bump into Doris Kearns Goodwin, Bob Reich, and Alan Simpson all on the same day?"

The *Globe* went on to describe the time—not all that rare, really—when Dershowitz "scored a fourfer," meaning that in a single day he performed on four shows. (The issue was the effort to disbar Bill Clinton in Arkansas, an idea Dershowitz didn't like at all.) Impressive as that was, it wasn't a record; two years earlier, when the issue was the Lewinsky scandal, Dershowitz managed five appearances from VideoLink in one day.

Of course, it's not the sheer quantity of Dershowitz's talk that attracts attention. It's the inflamed—sometimes almost goofy—rhetoric that he seems compelled to provide when the camera light goes on. His comments on the election controversy in Florida are almost a case study in what's wrong with talk TV:

"This is *Dred Scott* of the 21st century," he said on *Good Morning America* after the U.S. Supreme Court's decision in the case.

"Alan, *Dred Scott* is a decision that led us to the Civil War," host Charles Gibson interjected.

"Well," replied Dershowitz, "this has led us to a delegitimization of the authority of the Court."

A few weeks earlier on the same program, Dershowitz was similarly agitated by George W. Bush's announcement that he had begun working on the transition even though the election battle was not yet settled. "His speech last night sounded almost like the beginning of a legal coup d'état in suit and tie," Dershowitz said, "defying the rule of law and saying, 'I am anointing myself as president.'" And a week after the election, Dershowitz, appearing on CNN, seemed to fly off the handle when asked a question about Katherine Harris. "She's corrupt," he said. "She's had all kind of corruption allegations about expenditures of money. She's a crook. She's a crook and an operative of the Bush campaign."

Talk of *Dred Scott* and a coup d'état and crookedness was characteristic of the fringes of the election debate—and might well have left viewers with the impression that the Felix Frankfurter Professor of Law at Harvard University was a little . . . out of control. TV producers love it; Dershowitz throws off sparks and keeps argument going. But doesn't he worry that such hot rhetoric might cheapen the debate?

"No," he says, barely stopping to consider the question. "It *was* a bloodless, political coup d'état. What happened was James Baker basically took the position . . ." And he's off and running, picking up the argument where it left off on *Hardball* or *Crossfire* or Geraldo. The larger point, Dershowitz says, is that he's proud of the work he does on TV. And besides, he likes it. "I can't deny that it's fun," he says. "I think a lot of the sniping about it comes from jealous people who call me two days later and ask how *they* can be on television. But the TV stuff is very much an extra. If I spend, say, two hours a week on television, and 50 hours a week doing my work quietly, it's the two hours that people see."

And one more thing. Contrary to what his critics might say, he *does* have standards. For example, he explains, "I have a policy of never, under any circumstances, being on Fox [News Channel]. I feel they have lowered the level of discourse so much that I won't support that."

A VERY SERIOUS MAN

Of course, Dershowitz has heard these criticisms before. And as much as he seems to relish confrontation, he doesn't take them lightly. When the subject comes up, he begins a lengthy and thoughtful—and courteous—defense of himself that boils down to one point: I'm a very *serious* man. "Since the Simpson case, I've published five books, all of which have gotten phenomenal reviews," he says. "My *Just Revenge* book has gotten rave reviews all over the country. . . . Take a look at *Genesis of Justice*. You'll see it's a very serious, scholarly book. My novel, *The Advocate's Devil*, is used in law schools. . . . My book [*Reasonable Doubts*] about the Simpson trial received a lot of praise for helping to explain a complex case. William F. Buckley said, and I'll just read it to you, 'Dershowitz is a deeply thoughtful man.' Here you have your own founder learning something from a book I wrote about the case. And that's what I try hard to do with any case I take."

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Alan Dershowitz, 62 years old, long ago arrived, and yet he still seems to worry that you don't believe it.

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And he's not finished. "The ABA *Journal* said, 'Nobody does it better,' that nobody explains complex legal issues better than I do. I've been praised for precisely that, for taking cases that are high visibility and using them to explain the complexities of the legal system. . . . I am a very good citizen. My teaching ratings are always very, very high. If you speak to TV producers, you'll hear them say that I turn them down all the time, that I have class obligations."

While there's no shortage of Dershowitz's famous egomania in those words, there's also something almost endearingly insecure about his defensiveness. Here is a man who has accomplished many, many things in his life, a man who started out in Brooklyn without any particular advantages and who, by his own talent and energy and hard work, reached the top of his profession. By any measure of success, Alan Dershowitz, 62 years old, long ago arrived, and yet he still seems to worry that you don't believe it.

Then he makes one final plea. "Take a look at the actual record of what I've done while I've been on TV," he asks, "and don't make my life appear to be the one percent of my time that is most visible." It's an odd request. Yes, Dershowitz has written a lot. Yes, he is a popular professor who doesn't miss classes. And yes, he does a lot of unpublicized pro bono legal work for needy clients. But the sense remains that he knows there's a problem, that he knows his reputation, damaged terribly by his association with the Simpson case and his addiction to being on television, will never be what it once was. **NR**

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War No More

The folly and futility of drug prohibition

TIMOTHY LYNCH

AMERICA'S drug policies are never seriously debated in Washington. Year after year, our elected representatives focus on two questions: How much more money should we spend on the drug war? and, How should it be spent? In the months preceding elections, politicians typically try to pin blame for the drug problem on one another. After the election, the cycle begins anew.

Outside the capital, however, there is growing unease about the war on drugs. More and more Americans are concluding that the drug war has been given a chance to work—and has failed. Voters in California, Arizona, Oregon, Washington, Nevada, Alaska, and Maine have rejected the lobbying efforts of federal officials and approved initiatives calling for the legalization of marijuana for medicinal purposes. Two sitting governors, Jesse Ventura of Minnesota and Gary Johnson of New Mexico, have declared the drug war a failure. As public opinion continues to turn against the war, we can expect more elected officials to speak out.

Federal officials do not yet appreciate the extent of public dissatisfaction with the war on drugs. Congress continues to propose and enact laws with such platitudinous titles as "The Drug-Free Century Act." Not many people outside the capital are even paying attention to those laws, and even fewer take the rhetoric seriously.

To be sure, some people of good will continue to support the drug war. Their rationale is that we may not be close to achieving a "drug-free" society, but our present situation would only deteriorate if the government were to stop prosecuting the drug war. The burden of persuasion on that proposition has always rested with drug reformers. But nowadays it is a burden reformers happily accept, buoyed as they are by the realization that momentum in the debate is shifting in their direction.

Reformers are as eager as ever to debate the efficacy of the drug laws—while supporters of the drug war discuss the issue only grudgingly. Reformers ask: Why should an adult man or woman be arrested, prosecuted, and imprisoned for using heroin, opium, cocaine, or marijuana? The answer, according to the most prominent supporters of the drug war, is simple: Drug use is wrong. It is wrong because it is immoral, and it is immoral because it degrades human beings. The prominent social scientist James Q. Wilson has articulated that view as follows: "Even now, when the dangers of drug use are well understood, many educated people still discuss the drug problem in almost every way except the right way. They talk about the 'costs' of drug use and the 'socioeconomic factors' that shape that use. They rarely speak plainly—drug use is wrong because it is immoral and it is immoral because it enslaves the mind and destroys the soul."

William J. Bennett, America's first drug czar, has expressed a similar view: "A citizen in a drug-induced haze, whether on his backyard deck or on a mattress in a ghetto crack house, is not what the Founding Fathers meant by the 'pursuit of happiness.' . . . Helpless wrecks in treatment centers, men chained by their noses to cocaine—these people are slaves."

Wilson, Bennett, and their supporters believe that to eradicate this form of slavery, the government should vigorously investigate, prosecute, and jail anyone who sells, uses, or possesses mind-altering drugs. The criminal sanction should be used—in Bennett's words—"to take drug users off the streets and deter new users from becoming more deeply involved in so hazardous an activity."

For more than 25 years, the political establishment has offered unflagging support for the ban on drugs. In 1973, President Nixon created the Drug Enforcement Administration, a police agency that focuses exclusively on federal drug-law violations. President Reagan designated narcotics an official threat to America's national security; he also signed legislation authorizing the military to assist federal and state police agencies in the drug war. In 1988, Congress created the Office of National Drug Control Policy; President Bush appointed Bennett national drug czar to centralize control and coordinate activities of federal agencies in the drug war. President Clinton appointed a former military commander, Gen. Barry McCaffrey, as drug czar.

Since the early 1970s, Congress has been escalating the federal government's drug-war efforts. In 1979, the federal government spent $900 million on various antidrug programs; in 1989, it spent $5 billion; by 1999, it was spending nearly $18 billion.

According to the Office of National Drug Control Policy, vigorous law-enforcement tactics help reduce drug abuse chiefly by reducing demand and disrupting supply. Enforcement of the drug laws reduces demand by increasing social disapproval of substance abuse; arrest and threatened imprisonment also offer a powerful incentive for addicts to take treatment seriously. Drug enforcement disrupts supply by detecting and dismantling drug rings, which facilitate the movement of drugs from suppliers to the streets.

Congress has devoted billions of dollars to these tasks, and there have been palpable results. To begin with, the criminal-justice system has grown much larger: There are more police officers, prosecutors, judges, and prison guards than ever before. The number of arrests, convictions, and prisoners has increased exponentially; so has the amount of seized contraband. In February 1999, the *New York Times* reported that "every 20 seconds, someone in America is arrested for a drug violation. Every week, on average, a new jail or prison is built to lock up more people in the world's largest penal system."

Mr. Lynch is director of the Project on Criminal Justice at the Cato Institute. This essay is adapted from his chapter in the new Cato book, *After Prohibition: An Adult Approach to Drug Policies in the 21st Century.*

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There is certainly a lot of government activity; but is the Office of National Drug Control Policy really achieving its twin objectives of reducing demand and disrupting supply? The demand for illegal drugs remains strong. According to the National Household Survey on Drug Abuse, 11 million Americans can be classified as "current users" (past month) of marijuana and 1.75 million Americans as current users of cocaine. As startling as those numbers are, they represent only the tip of the proverbial iceberg. Millions of other individuals can be classified as "occasional users," and tens of thousands of people use less popular illicit drugs, such as heroin and methamphetamine. In short: The government's own statistics admit that millions and millions of Americans break the law every single month.

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A fair appraisal of the drug war must look beyond drug use itself, and take into account all of the negative repercussions of the drug war.

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The supply of drugs has not been hampered in any serious way by the war on drugs. A commission on federal law-enforcement practices chaired by former FBI director William Webster recently offered this blunt assessment of the interdiction efforts: "Despite a record number of seizures and a flood of legislation, the Commission is not aware of any evidence that the flow of narcotics into the United States has been reduced." Perhaps the most dramatic evidence of the failure of the drug war is the flourishing of open-air drug markets in Washington, D.C.—the very city in which the drug czar and the Drug Enforcement Administration have their headquarters.

Even though law enforcement has been unable to seriously disrupt either the supply of or the demand for illegal drugs, many hesitate to draw the conclusion that the drug war has failed. They choose to focus on the evils of drug use, and the need to keep up the fight against it, on the grounds that even an incomplete success is better than a surrender. But a fair appraisal of the drug war must look beyond drug use itself, and take into account *all* of the negative repercussions of the drug war. It is undeniable that the criminalization of drug use has created an immense and sophisticated black market that generates billions of dollars for gangster organizations. The criminal proceeds are often used to finance other criminal activity. Furthermore, rival gangs use violence to usurp and defend territory for drug sales. Innocent people die in the crossfire.

Then there is the cost. Billions of taxpayer dollars are squandered every year to keep drugs from entering the country. The government cannot even keep narcotics out of its own prisons—and yet it spends millions every month trying to keep contraband from arriving by air, land, and sea.

Prosecuting the war also involves a disturbingly large number of undesirable police practices: Paramilitary raids, roadblocks, wiretaps, informants, and property seizures have all become routine because of the difficulty of detecting drug offenses. Countless innocent people have had their phones tapped and their homes and cars searched. A criminal-justice system that devotes its limited resources to drug offenders is necessarily distracted from investigating other criminal activity—such as murder, rape, and theft.

Unfortunately, the most prominent supporters of the drug war have refused to grapple with these grim consequences of their policy. Drug legalization, they retort, would undermine the moral sanction against drug use. William Bennett has actually indulged in a comparison that would equate alternative drug policies—such as decriminalization—with surrender to the Nazis: "Imagine if, in the darkest days of 1940, Winston Churchill had rallied the West by saying, 'This war looks hopeless, and besides, it will cost too much. Hitler can't be that bad. Let's surrender and see what happens.' That is essentially what we hear from the legalizers."

After decades of ceaseless police work, it is safe to say that Bennett is confusing perseverance with bullheadedness. One thoughtful analyst, Father John Clifton Marquis, recognized—as long ago as 1990—that "when law does not promote the common good, but in fact causes it to deteriorate, the law itself becomes bad and must be changed. . . . Authentic moral leaders cannot afford the arrogant luxury of machismo, with its refusal to consider not 'winning.'"

Marquis is correct; and this is precisely why Bennett's World War II imagery is misplaced. The notion that the drug czar is somehow leading an army against an evil foe is an example of what Marquis calls "arrogant machismo." A more apt analogy would be America's 15-year experience with alcohol prohibition: Americans rejected Prohibition because experience showed the federal liquor laws to be unenforceable and because alcohol prohibition led to gang wars and widespread corruption. The war on drugs has created a similar set of problems.

The most valuable lesson that can be drawn from the Prohibition experience is that government cannot effectively engineer social arrangements. Policymakers simply cannot repeal the economic laws of supply and demand. Nor can they foresee the unintended consequences that follow government intervention. Students of American history will someday wonder how today's lawmakers could readily admit that alcohol prohibition was a disastrous mistake, but simultaneously engage in a reckless policy of drug prohibition.

Drug policy in America needs to be reinvented, starting with a tabula rasa. Policymakers ought to address the issue in an open, honest, and mature manner. A growing number of Americans are coming to the conclusion that the law should treat substances such as marijuana and cocaine the same way it treats tobacco, beer, and whiskey: restricting sales to minors and jailing any user who endangers the safety of others (by, for example, operating an automobile while under the influence). Education, moral suasion, and non-coercive social pressure are the only appropriate ways to discourage adult drug use in a free and civil society. **NR**

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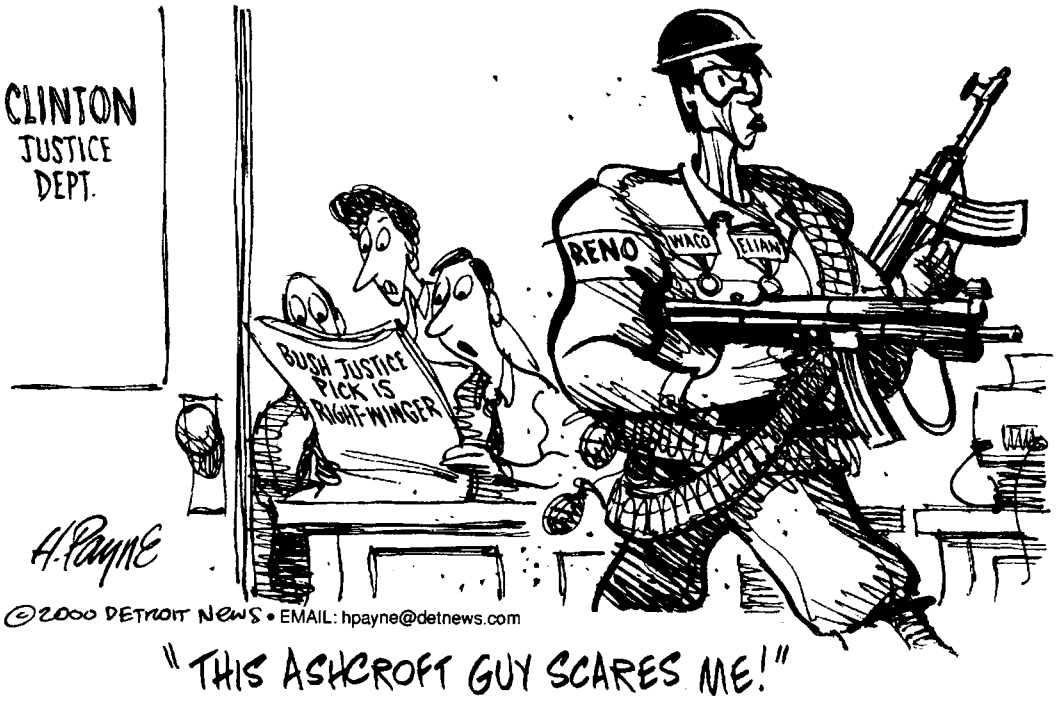
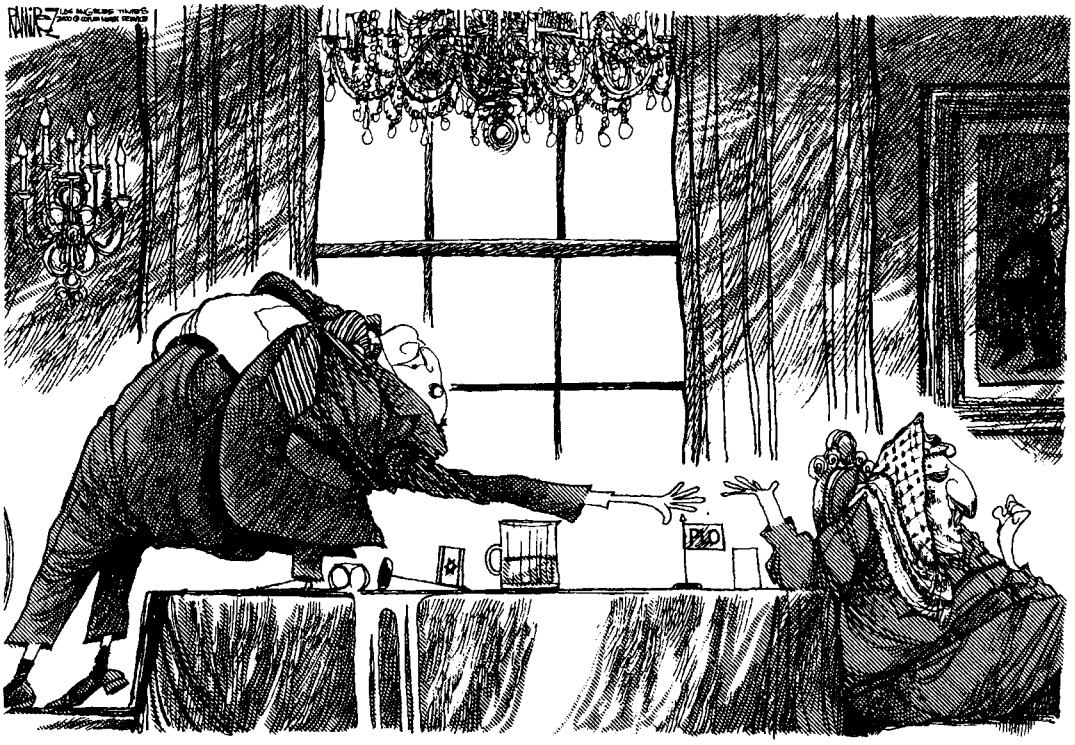


"THIS ASHCROFT GUY SCARES ME!"



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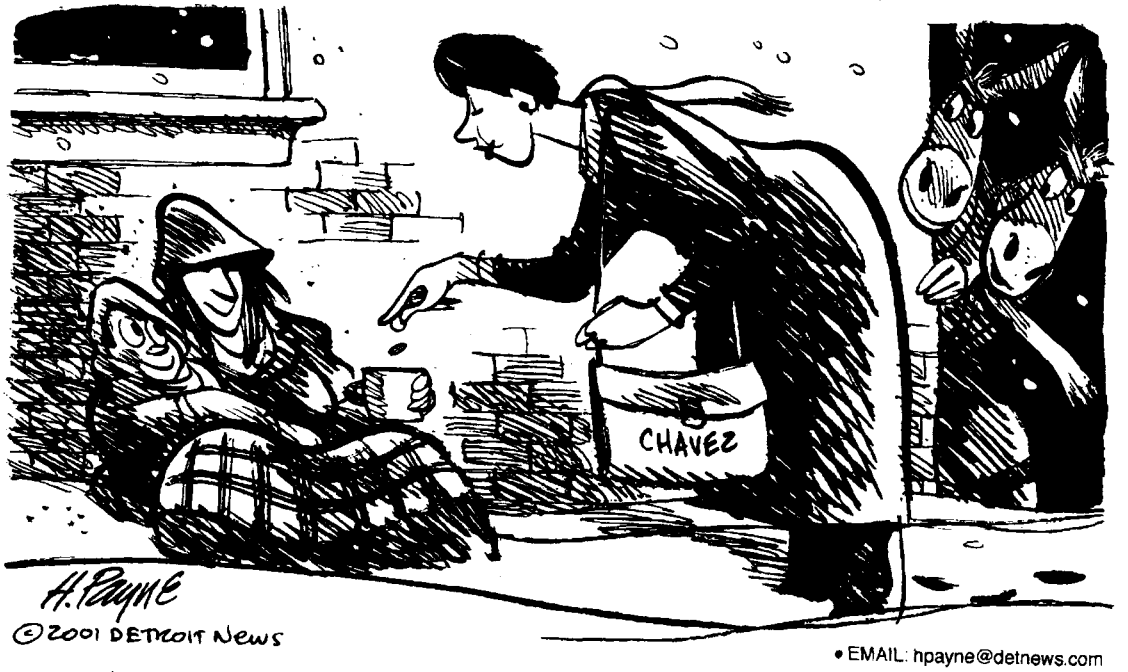
A Hot Tip

The Coast, where Mr. Bush's votes
Sagged like Confederate banknotes
When Stonewall Jackson took a hit,
Is facing blackouts in a snit
As Democrats pull at their hair
Like Samson when it wasn't there—
A buying opportunity
For hot shots in the GOP.

—W. H. von Dreele



"WE'VE GOT HER!... I THINK THOSE ARE ILLEGAL ALIENS!"

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Author of His Country

RICHARD BROOKHISER

Abraham Lincoln by Roman Genn

The Life and Writings of Abraham Lincoln, edited, with a biographical essay, by Philip Van Doren Stern (Modern Library, 876 pp., $14.95)

As I write, there is a struggle brewing over Confederate imagery in the Georgia state flag, and President Bush's nominee for attorney general has been criticized for saying admiring things about *Southern Partisan*, a pro-Confederate magazine. Since the Civil War manages to stay in the news, what could be more timely than *The Life and Writings of Abraham Lincoln?*

This Modern Library edition is a new paperback version of a collection first assembled in 1940. The 190-page biographical essay by Philip Van Doren Stern, a high priest of prewar middlebrow, avoids many of the errors and obsessions of modern scholarship. The bulk of the volume gives a generous selection of Lincoln's most important speeches and letters. We have the major addresses, all but the earliest ones complete, and generous selections from the Lincoln–Douglas debates. The famous letter of condolence to Mrs. Lydia Bixby, who, Lincoln believed, lost five sons in the Civil War, is retrieved from the clammy hands of Steven Spielberg (who quoted it in full in *Saving Private Ryan*). "I feel how weak and fruitless must be any words of mine which should attempt to beguile you from the grief of a loss so overwhelming." In fact, two of Mrs. Bixby's sons died in battle, two were taken prisoner, and one deserted—but the letter is still poignant in its frank helplessness.

There are also a few oddities, including three verses: *A wild bear chase, didst never see? / Then thou hast lived in vain.* Lincoln did well to concentrate on prose.

Stern's essay reminds us forcibly that the Civil War was won by failures. In the decade before the guns went off, Ulysses Grant was a drunken, unsuccessful tradesman. Abraham Lincoln was better off, but only to the extent of being a statehouse lawyer and hack politician, rather like a Republican lobbyist in Albany today. When he first emerged as a national figure, he seemed scarcely more impressive. Charles Francis Adams II, grandson and great-grandson of presidents, noted that at Lincoln's inauguration in 1861 the outgoing president, James Buchanan, with his "tall, large figure, and white head, looked well beside Mr. Lincoln's lank, angular form and hirsute face; and the dress of the President-elect did not indicate that knowledge of the proprieties of the place which was desirable." How was this bright, ambitious rube propelled to greatness?

The Lincoln myth, which has dried into the crust of commonplace, is that he rose from poverty. Stern breaks through the cliché by making the frontier squalor vivid. The Lincolns were hillbillies, more or less, who moved into the old Northwest just steps behind the defeated Indians. In 1816, when Abraham was seven, the family homesteaded a farm in Indiana, huddling in a lean-to their first winter. When Abraham was in his early twenties, he lived in an Illinois town so new, small, and unpromising that it was always on the verge of going bust. Many of his later eloquent statements on the value of free labor grew out of his having done so much of it as a youth, and knowing firsthand how punishing it was.

He emerged from these bleak circumstances spiritually and emotionally pinched. He had no more religion than a cat; at age 32 he acknowledged the gift of a Bible thus: "I doubt not that it is really . . . the best cure for the blues, could one but take it according to the truth." Lincoln's romantic history, as told in his own and Stern's words, explains recent attempts to recruit him for gay pride. I do not believe that he was homosexual; indeed, the likeliest candidate for queerness among the presidents is Buchanan (if he were your trophy, wouldn't you want another?). But Lincoln's relations with women were hopeless. His account of his abortive courtship of Mary Owens in his late twenties is bitchy and detached; womankind paid him back in the form of his eventual wife, Mary Todd, a tempestuous spendthrift. To do Mrs. Lincoln justice, living with her passive, impenetrable husband must have been almost as difficult as living with her.

Nevertheless Lincoln early showed several talents. One was his humor, often downbeat and self-directed. During his single term in Congress (1847–49), he mocked the military record of the Democratic politician Lewis Cass by comparing it to his own uneventful performance in the Black

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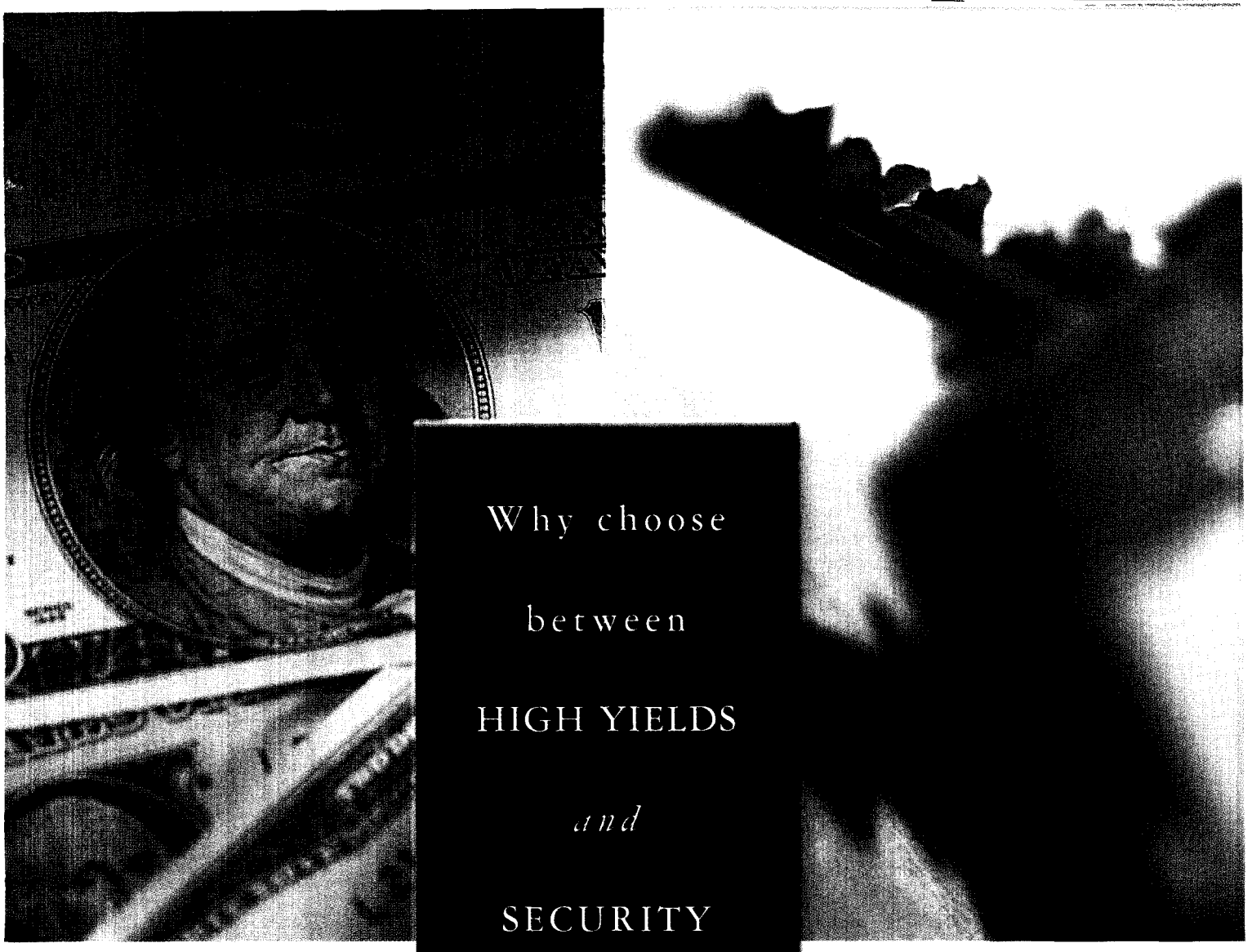

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Hawk war, in which he served as a militia captain for less than three months. Neither he nor Cass, he said, was in any famous battles, but they "saw the place[s] very soon afterward." He also had a good lawyer's vein of relentless reasoning. He could march through an argument like Euclid, and he had a high opinion of the power of rationality: In his first notable speech, to a young men's debating club in Springfield, Ill., in 1838, he praised reason—"cold, calculating, unimpassioned"—as a republic's best bulwark against Bonapartism and mob rule. "Passion . . . helped us" in the founding period, Lincoln argued, "but can do so no more. Reason . . . must furnish all the materials for our future support and defense."

■

Lincoln was always eager to prove that the Founding Fathers were on the right side, and that he agreed with them.

■

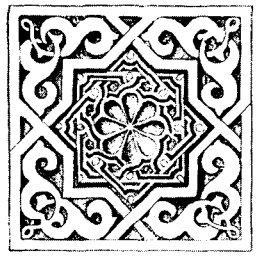
Lincoln was turned out of his mediocre course at age 45 by the Kansas-Nebraska Act of 1854, which allowed slavery into the northern rump of the Louisiana Purchase, if settlers wished to bring it there. The Founders, rebels in the name of liberty, had put the question of slavery out of political contention, from a combination of prudence and hope (misplaced or disingenuous) that it might wither away. The bustle of commercial and imperial expansion of the early 19th century helped distract their successors from it. By 1854, however, the South had lost its position of dominance in the House and the Electoral College, and could maintain political parity with a growing North only by pushing slavery into new territories, which would become new slave states. The success of that effort depended on northern acquiescence and indifference.

Lincoln marshaled all his talents to fight the expansionists and their allies. In an 1858 Senate race against Stephen Douglas, author of the Kansas-Nebraska Act, he answered Douglas's inflammatory charges of race-mixing with a droll riff on sexual contentment.

> I do not understand that because I do not want a Negro woman for a slave I must necessarily want her for a wife. My understanding is that I can just let her alone. I am now in my fiftieth year, and I certainly never have had a black woman for either a slave or a wife. So it seems to me quite possible for us to get along without making either slaves or wives of Negroes.

In his speech at Cooper Union in New York in 1860, he took up the argument that the Constitution guaranteed slaveowners the right to bring their chattel into territories, and he did so in cold, calculating, unimpassioned pincers, tearing it to shreds. He remorselessly ticked off the names of 21 signers of the Constitution, including southerners, who as congressmen, or in George Washington's case as president, acted to regulate slavery in the territories, with no scruples about violating the founding charter. "Is it not a little presumptuous," he asked, "in any one at this day to affirm" that he understood the Constitution better than its authors?

In making this last argument Lincoln showed his profound conservatism. He was always eager to prove that the Founding Fathers were on the right side, and that he agreed with them. His policy as Republican presidential candidate was one of strict containment: He denied that he had any power to touch slavery where it existed. His comment on John Brown was that the raid on Harper's Ferry was "so absurd that the slaves, with all their ignorance, saw plainly enough it could not succeed."



But the war came, and emancipation in its train. With them came a hitherto unsuspected talent of Lincoln's—the gift of poetry, which had never animated his clumsy verse, but which now found a rich and melancholy utterance. His rival and colleague William Seward noticed it early: "The President," he said in March 1861, "has a curious vein of sentiment running through his thought, which is his most valuable attribute." Reason, it seemed, was not enough to see Lincoln through the bloodshed that the South, by pushing slavery ever forward, and he, by resisting, had brought on.

Not all his attempts at high sentiment succeed. His phrase, after Vicksburg, about "The Father of Waters" going "unvexed to the sea" is deservedly remembered, but the paragraph in which it appears is hammy and forced, like second-rate convention oratory. Everyone praises the Gettysburg Address as terse, yet (unless overexposure deceives me) even it has crumbs of fruitcake clinging to it. Three rhymes and three alliterations in the first ten words is too much. But it is hard to see how there can be a second opinion about his Second Inaugural, that vision of divine consolation so bleak that it almost amounts to despair.

> If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war, as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him?

He had gotten religion at last.

Does God work in such ways? Is it unseemly for a politician even to speculate about such questions? Leaving God aside, it seems to me that the United States in mid 19th century was riding for a fall. Anyone who reads large swatches of the rhetoric of the period is quickly disgusted. So much ranting, posing, and bluster. The very hysteria of the late 18th century is better. The 18th-century word for corrupt, insincere rhetoric was "declamation." From 1810 to 1860, the United States produced little else. It is arguable that we spoke badly because we acted badly—conquering a continent in the name of ideals that we increasingly ceased to regret violating. The trouble with bad rhetoric, as Oscar Wilde might have said, is that it leads to civil wars.

Five weeks after Lincoln's Second Inaugural, John Wilkes Booth, the last and boldest agent of the Confederacy, shot him in the back of the head. But the issues he addressed continue to vex us. This book is a good place to begin studying them. **NR**

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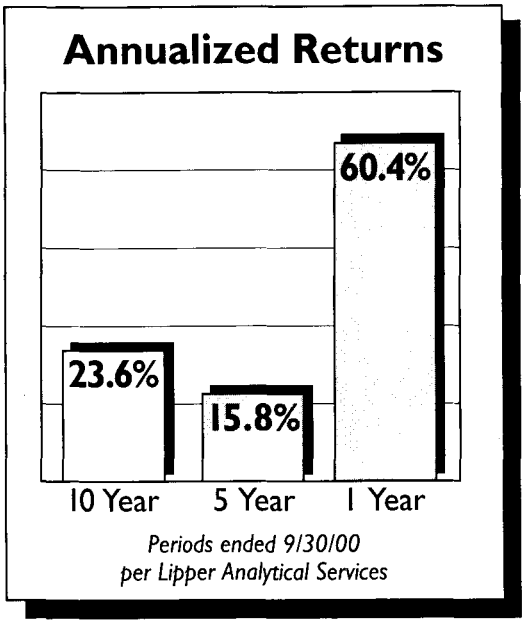

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A New Declaration

JOHN PATRICK DIGGINS

A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War, by Harry V. Jaffa (Rowman & Littlefield, 608 pp., $35)

THE towering reputation of Abraham Lincoln unites in opposition two furious factions that are ideologically worlds apart. Southern conservatives disdain Lincoln for allegedly bringing on the Civil War; northern radicals disdain him for bringing on market capitalism by promoting enterprise and industry. One camp considers Lincoln's claim that a nation cannot endure half-slave and half-free utterly false. The other dismisses the iconography of Lincoln as a "self-made man" as pure myth that denies the reality of class conflict. The secessionist and the Marxist both have their quarrels with American history; both see Lincoln as embodying the curse of liberalism and, hence, frustrating their hopes for turning America toward either conservatism or radicalism.

The literary critic Edmund Wilson once quipped that the worst fate that befell Lincoln, aside from assassination, was to fall into the hands of Carl Sandburg, the poet who wrote a six-volume biography and sentimentalized his subject to the point of parody. But even Wilson, in *Patriotic Gore*, hardly does justice to Lincoln's political ideas, and his comparison of Lincoln to Lenin tells us more about the Cold War than about the Civil War.

A little less than a half-century ago, Harry V. Jaffa rescued Lincoln from his friends and foes alike in his pioneering classic on the Lincoln–Douglas debates, *Crisis of the House Divided*. The book appeared in the late 1950s during the heyday of the "consensus" interpretation of American history. At the University of Chicago, Daniel J. Boorstin insisted that political ideas had played no significant role in American history. Yet at the same institution, Leo Strauss educated a galaxy of graduate students to believe that the world turns on political ideas and their promise of reason, virtue, and wisdom. Jaffa, one of Strauss's outstanding students and now professor emeritus of political philosophy at Claremont Graduate School, believes fervently in the power of ideas to do good—or ill. The good ideas are those derived from Aristotle and Aquinas and are founded on objective principles of truth discoverable by reason; the bad ideas, in Jaffa's words, include "historicism, positivism, relativism, and nihilism."

■

To support his case, Harry Jaffa must make Thomas Jefferson into a philosopher of authority as well as of liberty.

■

Jaffa's long-awaited sequel to *Crisis*, *A New Birth of Freedom*, uses Lincoln's interpretation of both the Declaration of Independence and the Constitution to demonstrate that the South had no right to secede from the Union and that sovereignty resides in the nation and its laws. The subject could not be more timely. Today it is still debated whether the states, the national government, or the Supreme Court has ultimate jurisdiction over such matters as education, abortion, the environment, and election procedures. These issues are important in view of the tensions within the antifederalist wing of the conservative movement.

No other scholar has scrutinized the main documents of early American political thought as thoroughly as Jaffa. If his book is a little dense and repetitious, it is also learned and provocative, as well as passionate and perceptive. In true Straussian fashion, Jaffa comments on texts with the aim of taking Thomas Jefferson away from self-styled Jeffersonians like John C. Calhoun, who believed that state sovereignty and the right of secession derived from the rights announced in the Declaration of Independence. Jaffa reads the Declaration as Lincoln read it—as an implicit argument against the cause of the South, holding that the right of revolution cannot violate the higher duty to uphold the rights of all human beings. Lincoln immortalized this argument in the Gettysburg Address, a document viewed by Jaffa and other Straussians as the cornerstone of America's "second founding" and "a new birth of freedom." Jaffa's argument is ingenious, but to support his case he must make Jefferson into a philosopher of authority as well as of liberty, a thinker who articulated principles that not only guaranteed freedom but entailed obligations and responsibilities.

Jaffa spends considerable effort analyzing Jefferson's *Summary View of the Rights of British Americans* (1774), which previous scholars have seen as simply affirming the colonists' entitlement to enjoy the same rights as Englishmen under the British Constitution. Drawing on that document as well as the Declaration, Jaffa shifts our attention from historic to natural rights under the "Laws of Nature and of Nature's God." Historical right is a matter of circumstance, but natural right derives from the essential nature of things; while the former risks falling into relativism, the latter, prescriptive and normative, remains safe from the ravages of time. Jefferson and the founding generation spoke as moralists who believed that the "great principles of right and wrong" were "legible to every reader." "The people," instructs Jaffa, "could not promote public happiness if they did not have a due regard for virtue and the moral law in their private lives."

Having established the moral foundation of the Republic, Jaffa believes he has the grounds to refute the South's claim to a right of secession. Some of the book's best sections present Jaffa's critical analysis of Calhoun's denial of equality and his claim that majority rule is tyrannical. But in order to win his argument, Jaffa must deal with Jefferson's views on slavery. Accordingly he writes that Jefferson was as adamantly opposed to slavery as Lincoln; hence the southern doctrine of states' rights, applied to protect slavery, violates the human and

Mr. Diggins is professor of history at the Graduate Center of the City University of New York and author most recently of *On Hallowed Ground: Abraham Lincoln and the Foundations of American History.*

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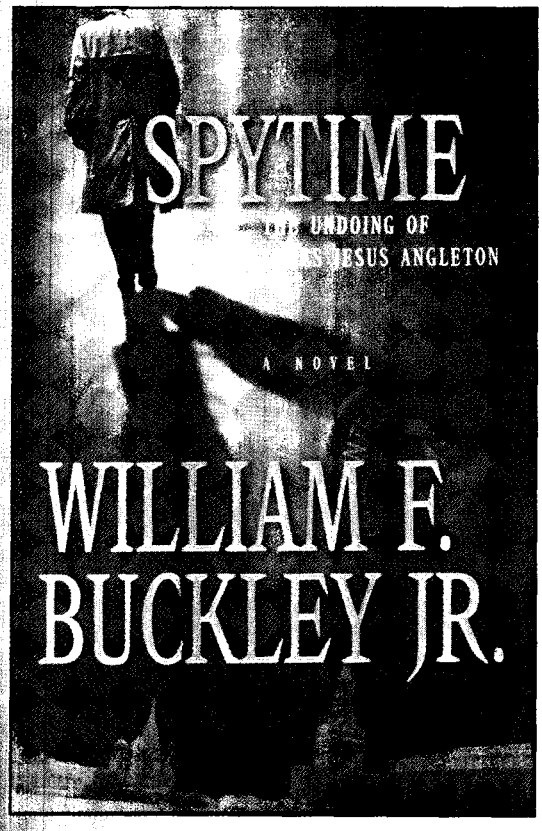

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natural rights guaranteed under the Declaration.

According to Jaffa, Jefferson, "in his famous diatribe against slavery in *Notes on Virginia* [1782], speaks of the 'execration' with which a statesman would be loaded, 'who permits one half the citizens to trample on the rights of others.'" Jaffa assures us that in Jefferson "there was never the least equivocation as to slavery's injustice and immorality." But *Notes on Virginia* is nothing if not an equivocation on the capacity of black men to exist under the conditions of freedom. Jefferson conceded that blacks possessed the same inner "moral sense" as whites, but he judged them incompetent in terms of talents and abilities. After wondering "whether further observation will or will not verify the conjecture that nature has been less bountiful to them," Jefferson concludes "as a suspicion only, that blacks, whether originally or as a distinct race, are inferior to whites in the endowments both of body and mind," and he convinced himself that we cannot ignore "the real distinctions which nature has made."

Jaffa celebrates Jefferson's natural-rights philosophy as "Aristotelian," and certainly Jefferson's assumption that nature's distinctions are discovered by reason and not made by human judgment partakes of classical thought. But Aristotle made no political revolution; John Locke did. Under Lockean assumptions, blacks are equal to whites in respect to their unalienable rights deriving from the state of nature and are therefore entitled to what today is called the equal protection of law. Jaffa knows this; I'm not sure Jefferson did, or at least he conveniently forgot it in *Notes on Virginia*.

As to Lincoln, his thinking too was "remarkably Aristotelian," Jaffa insists. Lincoln, it is true, believed that human beings share the same essence. But Lincoln, who never read Aristotle, would have gagged on the Greek phi-

■ SHELF LIFE ■

ALDOUS HUXLEY (1894–1963) was a born essayist, in no merely metaphorical sense. His paternal grandfather was T. H. Huxley, one of the most prominent public intellectuals of the 19th century, the apostle of evolution who came to be known as "Darwin's Bulldog." On his mother's side, his great-grandfather was the education reformer Thomas Arnold (of Rugby-school fame), and his great-uncle was Matthew Arnold, one of the greatest of Victorian poets and literary critics and an important intellectual leader of the nascent liberal Anglicanism.

It needs no Darwinian to predict the likely vocation of the offspring of such a union of Victorian stocks: Aldous Huxley very early in life became one of the leading essayists of the 20th century. Ivan R. Dee is now issuing a welcome edition, expected to consist of six volumes, of Huxley's *Complete Essays*; the first two volumes are now available, and they offer a fascinating display of Huxley's intellectual breadth. *Volume I: 1920–1925* (487 pp., $35) is devoted primarily to the literary and music criticism Huxley wrote in his late twenties. The pieces are short—most are just two to four pages—and they display a great sensitivity to the works they discuss, along with a winning modesty grounded in skepticism.

Which raises the question: How can a skeptic be a good critic? Criticism, it is widely believed, is the application of standards—and surely this implies a dogmatism the skeptic (unless he be a rank hypocrite) will find unappealing. In a 1923 essay, Huxley confronted the problem:

> The democratically minded will ask what right we have to say that the Mass in D [by Beethoven] is better than the works of Julia Ward Howe . . . They will insist that there is no hierarchy at all . . . It is not altogether easy to answer these objections. The arguments on both sides are ultimately based on conviction and faith. The best one can do to convince the paradoxical democrat of the real superiority of the Mass in D over *The Will of Song* is to point out that, in a sense, one contains the other; that *The Will of Song* is a part, and a very small part at that, of a great whole of human experience . . . [The Beethoven] includes within itself the range of *The Will of Song* . . . and reaches out into remoter spheres of experience. It is in a real sense quantitatively larger than *The Will of Song*. To the democrat who believes in majorities this is an argument which must surely prove convincing.

Convincing, no; but charming nonetheless—the valiant attempt of a young man to reconcile his Victorian forebears' faith in standards with their other important legacy, the modern faith in skepticism.

In *Volume II, 1926–1929* (587 pp., $35), the essays are much longer, as Huxley begins to grapple head-on with the religious question: What, if anything, can modern man believe? The fullest discussion occurs in a 39-page essay on Pascal, in which Huxley offers a creed of "life-worshipping": "When He told His disciples to take no thought for the morrow, Jesus was speaking as a worshipper of life. To pay too much attention to the future is to pay too little to the present—is to pay too little, that is to say, to life; for life can only be lived in the present. . . . The only eternity known to life is that present eternity of ecstatic timelessness which is the consummation of intense living."

This insight would deepen in later years, and culminate in Huxley's 1945 masterpiece *The Perennial Philosophy* (HarperCollins, 336 pp., $14)—an anthology, with Huxley's commentary, of spiritual writings from all the world's major religious traditions. By studying the experiences of the mystics of various religions, from Shankara to St. John of the Cross, Huxley the skeptic would find the empirically based faith he had sought.

In 1929, as *Volume II* ends, this development still lies ahead. But these two early volumes combine aphoristic insights with evenness of tone and (generally) a lack of dogmatism: taken together, a plausible working definition of the art of the essay.

—MICHAEL POTEMRA

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losopher's disdain for foreigners and women, his privileging of leisure over labor, and his conviction that certain men are slaves because they "belong by nature to someone else." Lincoln did, however, absorb Euclid, as Jaffa observes, and America is thus refounded on an undying "proposition" resting on a series of moral axioms and definitions. Secession violates the theorem that the whole is greater than its parts and that (in Lincoln's argument) no polity allows for its own dissolution.

Jaffa is right to emphasize Lincoln's axiomatic mode of reasoning as well as his use of Biblical imagery to make preserving the Union appear a sacred imperative. But to regard Lincoln as a classical thinker is to miss how far he really is from Jefferson. When discussing slavery, Lincoln never cites "the real distinctions which nature has made" but instead reminds Americans that their views are shaped by customs that had "assigned" the superior social position to the white race. Lincoln is also more economically oriented than classical thinkers in looking to progress and industry. Moreover, far from being a theoretical man completely free of "historicism" and "relativism," Lincoln could hardly avoid them. He recognized that slavery had its origins in the contingencies of southern history, and he continually reminded Americans that people in different parts of the country see things differently and act accordingly. Lincoln could also be a pragmatist, convinced that in politics one must proceed experimentally and prudently and that practical consequences may be more important than moral intentions.

But Jaffa is also right to emphasize that on ultimate issues like slavery and secession, Lincoln was an absolutist who believed that all Americans must hold themselves to the same moral standards. In contrast, Jefferson rejected moral uniformity in favor of diversity. Jaffa's claim that the Founders meant to include blacks in the founding documents but held back only because of the timing is a matter of inference rather than evidence. Indeed, why is it that those who professed to believe in equality, like Jefferson and Patrick Henry, seldom sought the abolition of slavery, while those who were skeptical of equality, such as the New England Calvinists and the Federalists John Adams and Alexander Hamilton, severely criticized it and, in Hamilton's case, even advocated arming blacks during the Revolution?

How much of classical thought characterizes the American Republic? Stuck on Aristotle, Jaffa would have us believe that the Founders embraced principles that "were knowable to the unassisted reason" and believed that freedom cannot exist unless it has "the ability to be determined by the truth." But while the Declaration is founded on self-evident truths, in the *Federalist* human government is said to rest on mere "opinion." Its authors make no claim that reason, which is corruptible by "passions and interests," will prevail over naked power or that freedom rests on truth. Instead of Aristotle they draw on David Hume, the skeptic who knocked the bottom out of the classical philosophy that Jaffa expects to redeem America.

Jaffa takes Jefferson literally, at his written word, instead of weighing the disparity between expression and action. Thus while Jaffa quotes Jefferson's dictum that "The republican is the only form of government which is not eternally at open or secret war with the rights of mankind," Jefferson had no objection to Republican France suspending the traditional rights of Church, nobility, and crown as "enemies of the revolution." Jefferson delighted in the Jacobin Terror, and wrote that while he deplored the bloodbath, rather than having seen the Revolution fail, "I would have seen half the earth desolated." Yet when black Haitian slaves rose up to assert their natural rights, President Jefferson had no hesitation in siding with Napoleon to crush the rebellion, and endorsed the French plan to restore slavery on the island.

Prof. Jaffa's valuable book is as comprehensive as an encyclopedia and as exegetical as a scholastic thesis. Whether one agrees with him entirely or not, his argument that the ideas of Jefferson and Lincoln represent an organic continuity is original and daring and deserves to be debated for years to come. **NR**

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Romantic Rot

CATESBY LEIGH

The Way of All Flesh: The Romance of Ruins, by Midas Dekkers, translated by Sherry Marx-Macdonald (Farrar, Straus, 280 pp., $25)

HUBERT ROBERT, a.k.a. "Robert des Ruines," made a splash at the French Academy's Salon of 1767 with a painting of a landing on the Tiber, which showed the ancient Pantheon looming in the background like a weathered Rock of Ages. Robert's imaginary scene somehow moved Diderot to declare: "There is more poetry, more that is accidental, not merely in a thatched cottage, but in a single tree which has endured the years and the seasons, than in the entire façade of a palace. One must ruin a palace to make it an object of interest."

In this occasionally entertaining but distinctly unsatisfying book, the Dutch writer and biologist Midas Dekkers offers a similarly precious aphorism, *Plus belle que la beauté est la ruine de la beauté*—"More beautiful than beauty is its ruin." Indeed, Dekkers clumsily echoes Diderot when he proclaims that "three fallen columns, with the tympanums that once adorned them lying at their feet, radiate more dignity than an entire basilica celebrating high Mass."

Dekkers's proposition is that decay and ruin should be allowed to take their course, in nature and culture alike. Centuries ago, he notes, pictures portraying a "stairway of life"—with a man ascending by steps from infancy to middle age and then descending to old age and, finally, to the grave—hung in European sitting rooms. But the modern world's infatuation with youth, vitality, and good-as-newness has replaced the stairway with a ladder that leads only upward. The result, he says, is that "we've lost half our lives."

Mr. Leigh lives in Washington, D.C., and writes about architecture, urbanism, and art.

What follows is a rambling, whimsical "symphony of decay." We learn how the human body ages, stone crumbles, steel rusts, paint fades, and corpses rot. We are informed about the life cycles or longevity of green turtles, salmon, mayflies, whales, lake sturgeon, elephants, and the silver-crested cockatoo. We are introduced to bacon beetles and firebrats (little critters that devour libraries) and illuminated as to changing cultural attitudes towards toadstools and bats. We also receive a woefully inadequate account of the significance of ruins for European artists. Everything from entropy to zoos and natural-history museums to the relative size of the scrota of chimps, gorillas, and humans finds its way into the hodgepodge. Some of the information is interesting, some of it trivial—but it just keeps coming, as one digression leads to another. This gets tiresome, as does the author's fashionably off-color postmodern sense of humor.

One of Dekkers's aims is to rid us of any residual 19th-century illusions of inexorable progress in civilization or nature, and he succeeds. But his success, alas, is largely unintentional. The late-romantic sensibility we encounter in *The Way of All Flesh* points not to romanticism's development, but instead to its decomposition.

Yes, Dekkers is a romantic biologist. And why not? Goethe, a founding father of romanticism, which exalted nature and gave sentiment free rein, was profoundly influenced by his extensive forays into the natural sciences. Goethe's study of the formation and transformation of plants shaped his ideas about the development of art and culture. And romantics long ago naturalized the guiding principles of art and architecture with such catchphrases as "truth to nature" and "organic architecture," while propagating the notion of culture itself as an organism. Darwin, no romantic, abetted this process, insofar as social and cultural phenomena came to be interpreted in terms of his great theory. "Cultural evolution" became a routine justification for modernism, which stipulates that the modern age of rapid scientific and technological progress must generate an art fundamentally distinct from the art of ages past.

But Darwin's theory also has been used to justify a materialistic form of naturalism that Goethe would have abhorred—the notion that nothing exists apart from what the senses can detect. Naturalism has thus undermined the spiritual underpinnings of our civilization through different channels—through scientific materialism, and through increasingly nonteleological notions of cultural evolution that deny the existence of philosophical truths or artistic standards and conventions that transcend historical context. Science and sentiment, once at loggerheads, have become allies in this process, not least in Dekkers's case. For him, nothing of those spiritual underpinnings remains. His sense of the world is not grounded in any ideal or creed that rises above nature's cycles of growth and decay. His sense of the world is grounded in decay, period.

Here is one of his more profound passages: "The mixture of sadness, excitement, and curiosity at seeing a temple in ruins, an old woman with one tooth, a fragment of a lost poem, leads to an emotion that has no function on other occasions. It is known as the 'ruins feeling.' It can, indisputably, be located in the abdominal region, and has the same salutary effect as staring at an open fire or listening to the splashing of waves."

Dekkers is an Epicurean as well as a romantic. For him, neither man nor nature is endowed with a transcendent purpose. "Things are the way they are by sheer chance," he says. Of evolution, he declares, "It's not going anywhere, it doesn't want anything, and it doesn't give a toss about progress. . . . It's a difficult idea to digest but, in biological terms at least, life has no goal." Hence decay's not terribly profound significance: "Decay is change and change is life." And though Dekkers's Epicureanism puts him at odds with the cheerful materialists who manage to see progress as a built-in feature of nature, he too subscribes to the profoundly counterintuitive premise that the cosmos, in whose structure reason is manifestly inherent, just happened—fortuitously, spontaneously, naturally.

Goethe's outlook, no less than Dekkers's, was shaped by the life cycle. He viewed the history of art and culture in terms of flourishing and degeneration. But Goethe's sense of nature and culture

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alike was profoundly teleological. The upwardly striving plant fulfilled its purpose, however briefly, when it flowered. In art, the perfection attained by Phidias and Polyclitus or Michelangelo and Raphael represented not only an analogous flowering but also a formal criterion for the ages. As for man himself, Goethe asserted that "the ultimate goal of evolving nature is the beautiful human being," ephemeral though that beauty is. Goethe also regarded man as the most significant of God's creatures because it is through man that nature has attained self-consciousness. Dekkers's horizons are narrower, his imagination more impoverished.

By the same token, Dekkers's biological determinism spawns some observations at odds with the current wisdom. He is wholly and refreshingly skeptical of sex, spas, vitamins, wonder drugs, dieting, and exercise as means of prolonging one's life. He finds old folks' efforts to act youthful undignified, and also resents rich countries' habit of sequestering them in retirement homes. He regards the restoration of old buildings, antique artworks, and natural habitats to their pristine or primeval condition as a futile enterprise. He sees species-preservation crusades as thriving on guilt rather than good sense. The way of all flesh, after all, leads inexorably to extinction.

In his final chapter, Dekkers changes course and introduces, by way of contrast with decay, the idea of "fulfillment"—by which he seems to mean simply the completion of a cycle or process. Dekkers's anti-teleological outlook, however, leads him to some odd juxtapositions: Christ's redemptive death on the cross is thus presented as an instance of fulfillment, along with autumn and the act of defecation—literally in the same sentence. Venerability, too, is fulfillment, he tells us; it is "victory over time." A human being's venerability results from a dignified acceptance of old age, and from the distinctive marks time has left on him or her. "With every step you take in the direction of the grave, you look less like another and more like yourself—until, in the end, you become one with yourself. Then, there's nothing left to be done. It is finished." *The Way of All Flesh* concludes, fittingly, with this completely inane solipsism. **NR**

■ TRAVEL ■

No Place for Mortals

DAVID KLINGHOFFER

ABOVE the dashboard of Bus No. 160, which travels the 50-minute route from Jerusalem to Hebron, somebody had pinned to the fabric a button with a little red heart in the middle, reading "I LOVE THE PACIFIC NORTHWEST." I had just pointed this out to my wife, Nika, with whom I was visiting from Seattle, when a rock the size of a grapefruit, hurled by an unseen Palestinian, hit a window of the bus precisely at her elbow.

■

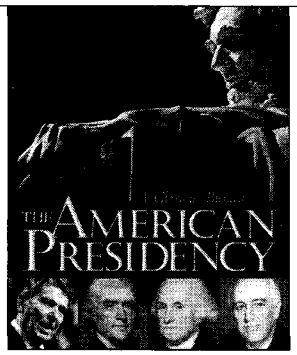
Hebron, a city that feels like an entrance to Hell, is said to be the point where Earth is united with Heaven.

■

We had come to Israel to look at some of the historical sites associated with the patriarch Abraham, the first monotheist, discoverer of the One God. Of these Abraham-related places, Hebron is the foremost. According to Biblical tradition, he lived there for 35 years, and along with his wife Sarah was buried there. For several days after arriving in Jerusalem, Nika and I questioned friends about how insane we would have to be to contemplate a visit.

In the early winter of 2000, Israelis traveling by car in the West Bank were being wounded or killed by Palestinian drive-by shooters almost every day. Hebron is in the West Bank, the big chunk of real estate that Israel has been thinking about turning over to total Palestinian control. I had figured that a guided tour with military escorts—a

Mr. Klinghoffer, a contributing editor of NATIONAL REVIEW, is writing a biography of Abraham.



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routine precaution in the besieged Jewish land—would probably be our best bet. But those friends who didn't immediately tell us we must give up all hope of seeing Hebron suggested the counterintuitive idea of taking the public bus. For unlike other buses it happens to be bulletproof.

It was certainly rockproof—the one that somebody threw at Nika bounced off without a problem. But the very day that she and I gathered our courage and got on the bus for Hebron, one of the two chief rabbis of Israel was riding in another "bulletproof" bus when he was ambushed by Palestinians whose automatic weapons easily shattered the windows. (The rabbi was unhurt.)

Happily our ride south from Jerusalem was unmarred by gunshots—though we were struck by the quiet. Israel is a noisy nation. Israelis will shout at the slightest provocation; their radio talk shows basically consist of people screaming at each other. But despite the standing-room-only crowd of civilians and off-duty soldiers, Bus No. 160 was utterly silent. As the vehicle wound through terraced rocky hills, everyone listened for the crack of rifle fire (best-case scenario, probably harmless) or (more unusual) the hiss of an anti-tank missile like the one that had struck a busload of Israeli schoolchildren some weeks before.

Most of our fellow passengers were headed for Kiryat Arba, a fortified Jewish settlement. Immediately adjacent, Hebron is the home of 20,000 Arabs but only 700 Jews. One of the latter, David Wilder, spokesman for the city's Jewish community, was waiting for us at the bus stop outside the ancient compound containing Abraham's resting-place.

In Palestinian eyes, those 700 Jews may be the most offensive group of individuals on the planet. A goodly portion of Palestinians share a fantasy of seeing all Jews expelled from the land of Israel, but they give marginally less thought to the predominantly Jewish areas like the one on the coast around Tel Aviv. The Palestinian mind is focused above all on Jerusalem, the West Bank, and the Gaza Strip. Other Jewish settlements in the West Bank are at least set off at a distance from Arab towns. In Hebron the Jews occupy a neighborhood, dotted with Israeli military posts, that is distinguishable from the rest of the city only if you're looking at a map. As long as any Jews remain in Hebron, it's hard to see how Palestinians will ever accept a permanent peace.

■

The city that signifies the bloody division of Jews and Arabs alludes in Biblical terms to their ultimate unity.

■

About this and much else that made this less-than-fearless American visitor shiver in his Lands' End windbreaker, our New Jersey-born host was, like everyone else we met in Hebron, remarkably matter-of-fact. David Wilder had recently got done sandbagging the windows of his home against the snipers who fire from the hills at night. Sometimes they shoot during daylight hours too. But driving us around town past dagger-eyed Arab children, he seemed oblivious to the possibility of our being attacked.

Each time we got out of the car—to view, for instance, a day-care center where rubber safety flooring had been installed under the jungle gym, a heartbreaking gesture to normality in the midst of deadly danger—I looked apprehensively up at the hills. One of them is probably the site of Mamre, the district of Hebron where Abraham actually lived. Tradition records that Mamre was named for a member of the Amorite people (one of the seven Canaanite nations) who befriended Abraham, when the locals were more warmly disposed toward Jews.

This morning none of the locals decided to take a potshot at us, and at last Wilder's tour circled back to the patriarch's tomb. We were at the bus stop in front of the cyclopean walls built by King Herod in the 1st century B.C. The walls now enclose a mosque and the cenotaphs of Abraham and his wife Sarah, and two of their sons along with their wives: Isaac and Rebecca, Jacob and Leah.

There is the usual security checkpoint, where your bags are inspected and you pass through a metal detector. One gets used to this in Israel, but at the tomb of Abraham, called the Cave of Machpelah, the soldiers are particularly scrupulous. In 1994, an American doctor who had immigrated to Israel got it in his mind that Palestinians were planning a terrorist attack on Hebron and that the Israeli army had decided to let them go ahead and kill all the Jews they wanted. Or so goes the post-mortem speculation. Baruch Goldstein, who must have lost his mind in very short order because his family recalls no prior evidence of madness, showed up at the Machpelah wearing an Israeli uniform, walked right in, and opened fire on Muslim worshippers, killing 29.

No one really knows what his intentions were, for he died at the hands of the enraged Muslims before soldiers could arrest him. Whatever he intended, he succeeded in pointing up the enduring irony of Hebron. So had the Arabs who famously rioted there in 1929, murdering 67 of the 1,000 Jews then living in Hebron and forcing the Jewish community to go into exile from the city until the West Bank was captured from Jordan in 1967.

In the Bible, places like Hebron and people like Abraham have a geographical and biographical meaning, and a (multilayered) symbolic one as well. The symbolic meaning of Hebron is hinted at in the Hebrew spelling of its name. Hebrew is a language constructed on a system of three-letter roots that carry deep significance. The root of Hebron is HBR. This can also be pronounced "chibur," which means "joining" or "bringing together." The city that, of all cities in Israel, signifies the bloody division of Arabs and Jews

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alludes in Biblical terms to the ultimate unity.

This city that feels like an entrance to Hell is said to be the point where Earth is united with Heaven: the very portal to the Garden of Eden. The chibur alluded to in its name is also the eternal joining together of the four married couples buried here: the three patriarchs and their three wives, plus Adam and Eve, who lie in a cave perfectly preserved and surrounded by the scent of paradise.

When my wife and I entered the Herodian walls we were met with silence: not the quiet of paradise but rather that of Bus No. 160, a quiet of watchfulness and apprehension. For 700 years, between 1267 and 1967, the structure was a mosque that Muslim authorities put off-limits to all non-Muslims. After the 1967 war, Israel made the place accessible to Jews and Muslims alike, though the two religions are strictly separated. We saw only the part that has been made into a synagogue.

There is, finally, not much to see. Abraham's cenotaph is behind an iron grille. The cave itself, which has an outer and inner part, is inaccessible, which is just as well. Stories from medieval times tell of those who attempted to penetrate the underground halls hearing strange voices, feeling a wind of unknown origin coming from below, and sometimes dying suddenly or going mad or dumb. If this is the place where, contrary to all appearances, Heaven joins with Earth, then it is no place for mortals.

Is Hebron a place for Jews? One thing is certain: Were it not for the hardy little community living there today, there would be no access to the Machpelah for Jews or Christians. The Israel Defense Force guards the Tomb of the Patriarchs only because it happens also to be guarding the Jews of Hebron. Take away the Jews and we return to the situation pre-1967, when non-Muslims, if they wished to pay respects to the man who introduced the world to monotheism, could climb only to the top of the seventh step outside the walls and peer through a tiny hole into the cave.

Personally, I LOVE THE PACIFIC NORTHWEST, but I'm glad there are Jews in Hebron. **NR**

■ FILM ■

Lost and Found

JOHN SIMON

TOM HANKS is the kind of beloved actor who can make a retardate look like a prince, and a smartass seem lovable. In ***Cast Away*** (why two words instead of one?), he is Chuck Noland, a fervent FedEx engineer whom we watch plying his efficiency-fanaticism in Moscow and the American heartland, and who, when a FedEx plane crashes—rather more spectacularly than any previous movie plane crash—ends up as a castaway on an uninhabited South Pacific island.

Chuck's beloved speed no longer exists, and time stands nightmarishly still. Dedicated actor that he is, Hanks dieted away a good chunk of his avoirdupois during a year-long break in the filming while the director, Robert Zemeckis, went off to make another movie. The struggles of a shipwrecked (well, plane-wrecked) man are scrupulously conveyed in the main part of the film, including the relentless, monotonous sound of wind and waves, which the soundtrack lets us endure with minimal edulcoration by music.

The English classics of shipwreck are, of course, Defoe's *Robinson Crusoe* and, for the dramatic return of the stranded sailor, Tennyson's *Enoch Arden*. The movie harks back to both. It is, as it were, in three acts: before, during, and after the island. Though by far the best, even the long middle part has its problems. Film needs dialogue (at least since the invention of sound) and can sustain silence and interior monologue only so long.

True, Chuck has the picture of his girlfriend, Kelly, whom he foolishly just missed getting engaged to, inside the cover of the family-heirloom pocket watch she gave him, to emote to. Depending largely on whatever FedEx packages the surf washes ashore, he also

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has a pair of girls' ice skates (with which he extracts a tormenting tooth in one of the film's most harrowing scenes), some video tape (with whose help he'll build a raft), and a white volleyball (on which he paints a face with his blood). He dubs it Wilson, after the manufacture's name, and converses with it, but volleyballs don't have much conversation.

Cast Away is good about the slow and painful discovery of edibles, tools, fire, etc., as well as about the frustrated escape attempts and other setbacks. There is, however, a certain cuteness about William Broyles Jr.'s script, Zemeckis's direction, and Hanks's acting. The "Four Years Later" title, which allows the film to jump from Chuck's first weeks on the island to his last, is also a bit of an evasion, and Chuck's escape on that homemade raft is a trifle too good to be true.

The real trouble, though, is the last part. Both what happens with Kelly (although the ubiquitous Helen Hunt gives yet another of her fine performances) and what happens without her are sweaty efforts for a not-too-sweet and not-too-bitter ending, and make strained-for veracity feel factitious. And how can we possibly worry about such a darling of the gods and the public as Tom Hanks?

■ Want to know how dishonest, preposterous, and stupid a Hollywood movie can get? Let me commend to you ***Finding Forrester***. It concerns a reclusive white novelist, William Forrester, and a young black high-school student, Jamal Wallace, in the South Bronx. Forrester is a bird watcher from his window (how many *rarae aves*, other than himself, frequent the South Bronx?), and so also observes Jamal and his pals playing basketball on a public court below.

Curious about the man in the window, Jamal infiltrates his apartment, and discovers that he is the mysterious William Forrester, who disappeared after his first and only triumph, the Pulitzer-winning *Avalon Landing*, which happens to be a favorite of Jamal's. Besides excelling at basketball, the boy is a closet writer, and his notebook is in the backpack he happens to forget in Forrester's sprawling, book-filled apartment. Needless to say, the kid's writing, though untutored, is brilliant, and Forrester decides to mentor the budding genius.

From here, the film proceeds by leaps and bounds (and slam dunks) to ever greater absurdities. Jamal is picked up by a fancy Upper East Side prep school, Mailor-Callow (why not Callow Mailer?), where he shines as a scholar and athlete. He charms a fellow student named Claire, the white, liberal daughter of a rich board member, into a sort of platonic love affair (the movie is too gutless for anything more), but invites the envy of the lit teacher, Professor Crawford, sarcastic with all students and vicious with Jamal.

■

Finding Forrester proceeds by leaps and bounds (and slam dunks) to ever greater absurdities.

■

Crawford would not be tolerated at such a school, and the way the obnoxious F. Murray Abraham plays this failed writer jealous of Jamal's talent makes things even more ludicrously unbelievable. The scene in which Crawford throws esoteric quotations from English literature at Jamal, only to have the boy identify all of them with lightning speed, would make the smartest quiz kid turn green. The very classroom, shot in a Jesuit-school library with precious tomes on open shelves, is laughably unconvincing, with its back wall displaying portraits of "the world's great writers." These, in case you didn't know, are Poe, Thoreau, Melville, Cooper, Henry James, Louisa May Alcott, T. S. Eliot, and, next to him, William Forrester. Missing only are Albert Payson Terhune and Ella Wheeler Wilcox.

The movie, awful enough to be savaged even in the usually namby-pamby *New York Times*, was written by one Mike Rich. Born in Los Angeles and raised in Oregon, he has been a news anchor on various Oregon radio stations. During an interview with a writer touching on Salinger and Pynchon, both famous recluses, the idea for the movie was born. Though, to be sure, both Salinger and Pynchon needed more than one successful publication to establish themselves, and even so they did not quite make it onto the Mailor-Callow wall of honor.

The very acting is largely unimpressive. Sean Connery relies on his by now habitual growl, to which dentures add a further alienating effect; Rob Brown, a 16-year-old newcomer discovered after a long search, plays Jamal with a wooden sincerity that a shorter search could have matched. Anna Paquin, the rare child actor developing into a real star, is lovely as Claire, but the part is small and unrewarding.

■ David Mamet is no favorite of mine, but ***State and Main***, about a movie company filming something called *The Old Mill* in a small New England town, and the entanglements between the movie people and the locals, makes for a fizzy small-scale entertainment. There is the leading man (Alec Baldwin) with an appetite for very young girls, and the willing teenager (Julia Stiles) who ends up exploiting him; the leading lady (Sarah Jessica Parker) who does not want to bare her breasts, contract notwithstanding; the fuddy-duddy scenarist (Philip Seymour Hoffman) who cannot do rewrites without his lost manual typewriter; and the bookstore owner (Rebecca Pidgeon) who provides him with another, gets involved with him, and ditches her ambitious politician fiancé (Clark Gregg).

Also the harried director (William H. Macy) who must improvise desperately to keep his menagerie together; the cheesy producer (the superb David Paymer) who must squeeze out more money; the local mayor and his ambitious wife (Charles Durning and Patti LuPone) who want to give a dinner party for the film's principals; and an old mill crucial to the filming, which, however, burned down years ago.

Everything goes comically wrong in this tidy screenplay graced with expert performances. Even Miss Pidgeon (who in actual life is Mrs. Mamet), for the first time in her spouse-sponsored career, manages to be appealing. Only Miss Parker, a one-woman Agent Orange, makes a role meant to be merely ludicrous intolerable. Still, the film shows what Mamet can do when he does not try too hard to be devious, portentous, and Pinteresque. **NR**

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WILLIAM F. BUCKLEY JR.

The Perils of Being John Ashcroft

NEW YORK, JANUARY 5

THE hearings in the matter of John Ashcroft for attorney general will be, indeed have already been, one more immersion in the recurrent pesthole of American politics, the liberal gangbang of choice conservative figures. They did it to Barry Goldwater, and succeeded; tried to do it to Ronald Reagan, but were overwhelmed. They did it to Clarence Thomas, failed formally (he sits on the Supreme Court), but gave rise to an ongoing national enterprise (EMILY's List: Persecute anybody who voted to confirm Thomas). The *Wall Street Journal* records that representatives have met to plot the defamation of Ashcroft. Among them, the Leadership Conference on Civil Rights, the AFL-CIO, the National Organization for Women, the American Civil Liberties Union, and, of course, People for the American Way, which is, we pause to remark, an un-American organization.

What would you rather be called, a racist, or a liar? Ashcroft is called both. And by people who think of themselves as fussy in the matter of defamation. Two columnists in the *New York Times* have opined using this language, one of them (Anthony Lewis) in as many words: Ashcroft is a "liar."

Now the dictionary (*American Heritage*) qualifies you as a liar if you say something "meant to deceive or give a false impression." It could be said, under this definition that is at once latitudinarian and comprehensive, that every politician since Coriolanus is a liar. Yet the word remains near uniquely savage. If John Ashcroft is a liar in the sense that, oh, FDR was a liar (he was going to balance the budget and keep us out of war), forget it and aim your resentment at the fouling of the language by such as Mr. Lewis. If, on the other hand, Mr. Ashcroft *deserves* to be called a liar, then send him not to the Justice Department, but packing, back to Missouri.

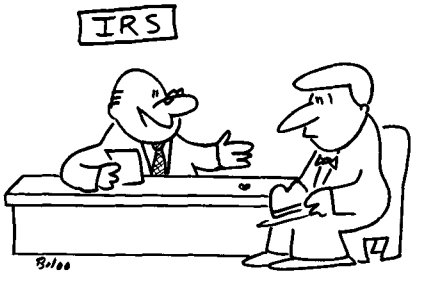
What concretely will they argue?

1) That he opposes abortion (so did Mother Teresa). From which it follows that 2) he will call to the favorable attention of President Bush candidates for judicial positions who are anti-abortion; and, 3) cannot be relied upon to protect abortionists engaged in legal enterprises.

What this messy business tells us, yet again, is that the Supreme Court opened Pandora's box when they gave us *Roe* v. *Wade*, the germinal proabortion decision, back in 1973. Because that decision was so comprehensive and exploitable, the conjugation of it is never done. Does the mother of the pregnant child have any rights? The father? The fetus? If so, when? These questions can't be made to disappear, and President-elect Bush is entitled to expect of his attorney general that in arguments before federal courts in which the implications of absolutely unregulated abortions are being examined, *amicus curiae* briefs from the government should defend such mediating legislation by state laws that aren't specifically prohibited by lapidary high-court decisions. To translate that into a putative resistance by Attorney General Ashcroft to enforcing the law and protecting the rights of abortion-bound women who have been violated by the men they slept with, is done only by persons whose objective is to punish Mr. Ashcroft not for what he would do as attorney general, but for his opinions. And what is the American Civil Liberties Union doing in this posse of lynchers?

John Ashcroft has served as attorney general and then governor of Missouri and senator from Missouri; and as the man who, noblesse oblige, declined to contest an election loss against a dead man, yielding gracefully to a posthumous vote of sympathy for the widow.

The major problem of the inquisitors is that they are talking to a group of men and women who knew John Ashcroft as a colleague, and they are not likely, even in pursuit of the good opinion of the People for the American Way, to reject a man they know as a non-liar and non-racist merely to satisfy ideological bloodlust.



"Your return seems to be in good order, sir. All that remains is for you to eat this bug."

The Demolition Of Linda Chavez

NEW YORK, JANUARY 9

THE miasma was there, the coiling blast dispatched by the losers to suck Linda Chavez into oblivion. There would be satisfaction at several levels: 1) They would be saying no to President-elect Bush; 2) they would be rebuking a public servant who outraged civilized thought by opposing the idea of a federal minimum wage, opposing bilingual education, and denying the benefits of affirmative action; 3) they would have demonstrated the evenhandedness of their administration of justice, inasmuch as Clinton nominee Zoë Baird, eight years ago, was ruled out for the post of attorney general because she had a nanny at home who hadn't got working papers.

To be sure, the Senate should inform itself whether a candidate speaks truthfully. Just because President Clinton lies doesn't mean, or shouldn't, that everybody else in government can lie. Ms. Chavez had said she did not learn that Marta Mercado was an illegal alien until 1993, which was after Mercado had left Chavez's room and board. Existing law does not actually prosecute an employer who gives work to illegal aliens. A motion in that direction was attempted by a recent Congress but it transpired that in the event it came to pass, half the restaurants in New York and Washington would close down. The emphasis, in the interrogation of Ms. Chavez, would have focused more closely on whether she has spoken the truth than on whether the truth was damaging. Illegal aliens must not be overmolested. To do so gets in the way of their voting for their Democratic patrons.

So we had the truth-count, and then the ideological-count. Would she have succeeded in persuading the Senate Health, Education, Labor and Pensions Committee that the arrangements were

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as she described? That she came upon Marta Mercado more or less homeless and, as a good Samaritan, offered her food and shelter, intending no condition of servitude? And that the dollars she gave her weren't compensation, merely an extension of the corporal works of mercy already proffered?

Along came the view expressed by Mr. Clinton's sometime Secretary of Labor, Robert Reich. On television, and in the *New York Times*, he said that it is precisely the responsibility of a secretary of labor to refine relationships to the benefit of employees. He added that an "employee" is not necessarily someone who works for you 40 hours every week. Neat distinctions of that order are anachronistic in an age in which people float around, like computer techies and piano teachers. What he was saying is that a prospective secretary of labor, ambitious for the welfare of the working man or woman, will look for opportunities to strengthen their gestating rights to the fuller privileges of formal work, in the direction of minimum wage, health care, Social Security, etc. He was saying was that Ms. Chavez should have shaken Marta by the shoulders and instructed her, as a boarder at Linda's Place, in how to assert inchoate rights.

Well, that was never fought out. Ms. Chavez pulled out, and there is a sense of it that she was pushed just a little bit by her sponsors to do that. It is a pity. The senators would have discovered, those of them who didn't know it, that Linda Chavez is a formidable woman: brainy, consistent, articulate, resourceful. In trying to demonstrate her bad moments, several television programs featured her, the day before her surrender, in panels in the past in which she took politically incorrect positions on the minimum wage.

But what she said can't be thought unfeeling. It is that a minimum wage that is appropriate in one part of the country isn't compellingly appropriate in another part of the country. Those who deny this have never vacationed in New York and experienced the relief of going back to live in New Mexico. And anyway, as secretary of labor, to the extent that the problems crossed her desk, she would have enforced laws as they stand.

The second of her abrasions against popular thought is her opposition to bilingual education. What she has held, on this subject, is that for children to be taught in two languages simultaneously impedes authoritative experience in the second language, which is the language the United States, English. Since making that point, years ago, hard evidence vindicating the position has been published, e.g., on bilingual schooling in California.

Linda Chavez is an adornment on the American political scene: attractive, strong, incisive. The thought that she has been disqualified on account of kindnesses shown to Marta Mercado, or expressions of right thought on public issues, saddens that scene, and diminishes the republic.

Pardon *Clinton* !#*!

NEW YORK, JANUARY 16

THE meeting of Tory intellectuals and men of affairs pondered the question: Should Clinton be pardoned?

Important to wait until after he is indicted, one man said. If Bush pardons him before an indictment, there will be those who will argue that he would never have been indicted, and that therefore the pardon was a kind of ex post facto slander, as in, *I forgive my wife for committing adultery,* when in fact she had been chaste. But the advocate of permitting due process to go on at its own pace held his ground: The organic judicial process should be permitted to go its own way. After all, if a grand jury isn't persuaded that Bill Clinton committed perjury in the Paula Jones business and, later, in his deposition in the White House, then any hope for rectilinear thought lapses, and justice is become a plaything.

A seasoned observer says: Look at it this way. The loss of critical Senate seats by tough-minded conservatives—John Ashcroft in Missouri, Spence Abraham in Michigan, Slade Gorton in Washington, Bill Roth in Delaware—has tipped the scales in Washington. Although the GOP has a formal majority, with 50 senators and the deciding vote of the vice president, the loss of critical stouthearted men affects the deployment of power. Now hear this: If President Bush antagonizes wobbly Republicans and sullen Democrats by declaring a posthumous war on Clinton, the victim may be not Clinton himself, but a Bush program. Bush can get right away an end to partial-birth abortion, a substantial revision of the death tax, critical reinforcement of the military—why endanger such substantial goals by vitalizing Clinton loyalists and the hordes of people who will maintain a sympathetic position towards the ex-president? Isn't it better to pardon him, and be done with it?

The dominant view in the discussion says this: American justice can go no further in addressing miscreant behavior by a president than to impeach him. Yes, the procedure isn't consummated where the Senate fails to convict. You have here coitus interruptus on a demoralizing scale. After the Senate failed to ratify the House's impeachment, Clinton gradually transformed the case against him. Beginning immediately, Mrs. Clinton classified it all as the workings of a vast right-wing conspiracy. We could smile at that kind of thing as nothing more than uxorious docility, but the language of justification crept into the campaign. During the election season, it was the hunters who became the hunted. President Clinton spent less time defending his debauchery and his lies than Henry Hyde spent defending the bona fides of the House of Representatives that thought the whole Clinton performance constituted an impeachable offense.

And this speaks to the true explosive in the argument for indicting Clinton. It is that the American people are clearly opposed to doing so and are therefore a critical shock absorber. The point stressed in pursuing Mr. Clinton is that justice must be made to prevail because justice is sacred to American ideals. But if we have established that justice has squatted down with the defense, what can the prosecution effectively accomplish?

The way to handle Clinton is to get rid of objective requirements to pay him notice. It would be ideal simply to close him off as an overexposed public-policy encephalophone, but there is no way to put Bill Clinton in Coventry; he commands too many legions. What you can do is avoid formal entanglements before grand juries and petit juries and courts of appeal—where it all ends knows only God.

Lesson for Mr. Bush: Pardon him. And don't let any note of equivocation creep into the language. Drop him as you would an excess ton of weight on a ship. Reconcile yourself that it won't sink to the bottom of the sea, as all healthy dead weights should—it will flounder about forever. But sail on, and ignore him as best you can. Right-minded policies and a straight course might, in fact, have the best chances of finally sinking the contaminated Clinton ghost ship.

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■ THE MISANTHROPE'S CORNER ■

FLORENCE KING

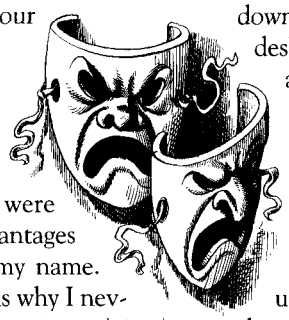
THE other day I made a phone call to reschedule an appointment with a new optician. I sensed something memorable was going to happen as soon as I heard the receptionist's voice. It was trite and flat, incapable of expressing joy or sorrow, excitement or serenity, aversion or ardor: the voice that people imitate when they say, "Duh."

Lo and behold, that's exactly what she effectively said in our ensuing exchange.

"What did you say your name was?"

"King."

"How do you spell that?"



It was a first. I've been through some rough patches in my time, but they were eased by certain small advantages life has dealt me. One is my name. Among the auxiliary reasons why I never married (never mind the main one) is that I hated to give up a path-smoother like King. Many people spend their lives correcting the spelling and pronunciation of their names, and it's hard work, but in this, at least, I've always belonged to the leisure class.

If his receptionist couldn't spell King, what was the optician who hired her like? I wouldn't trust these baby bloodshots to just anybody, to paraphrase Lynda Carter, so instead of rescheduling the appointment I canceled it.

The receptionist was the most extreme example of a human posthole I've yet encountered, but by no means the only one. The Invasion of the Duh People is upon us. Duhs are at the gates, and usually on the telephone. They seem to cluster in that mangled universe known as Customer Service—assigning order numbers, straightening out exchanges and returns, and computing state sales taxes. Our calls are very important to them, which is why I dread buying, subscribing, complaining, or inquiring about anything whatsoever.

Take my catalogue order. In the "Color" block I wrote "1st choice, blue; 2nd, green," but all I got was a postcard saying, "We are unable to fill your order. Please call our toll-free number." I did. When the rep came on, I gave her my order number and she pulled it up on her computer and read my name and address back to me. "Right," I said.

Then, silence. A long silence. I thought she had put me on hold but there was no rock music, and it didn't sound like hold somehow. The silence had a nice antiquated sound, making me think of the days when a clerk simply laid the phone down and "stepped away from her desk" to retrieve an actual file from an actual file cabinet.

As my reverie faded, I had an eerie feeling that she was still there. "Hello?" I said.

"Yes." Just that, no more, not even an inflection.

"I got a card saying you're unable to fill my order but it doesn't say why."

"We didn't know what color you wanted."

Nearly two minutes had passed in total silence, yet she had sat there in ox-like placidity, waiting for me to speak first, unable even to bring herself to prompt me. I had to supply all the initiative.

Then there's newspaper delivery. To a Duh, my Sunday-only subscription and my neighbor's weekday-only subscription must be the same subscription, so they placed mine at his door. When, six phone calls later, I finally convinced them that I was the Sunday subscriber, they started putting his at my door. This way, the whole block gets to watch two people stealing each other's newspapers.

Smart people work in Customer Service too, but there's no way to be sure of getting one, and less chance of keeping one. Follow-through is a thing of the past at the "communication centers" where Customer Service reps are stabled. When you call you must talk to whoever answers. If you get a smart one and ask for her name so you can call her back, she'll just say, "Anyone here can help you." But you never get the same person twice, so each time you have to start at the beginning and tell the same story all over again. Take, for instance, my charge-card snafu involving two secret code numbers based on my birthday and one based on my mother's. It makes less and less sense with each telling, so if you happen to draw a Duh late in the game, the result is two Duhs.

IT'S one thing to have a Duh IQ; quite another to have a Duh attitude, like the interviewees in Jay Leno's sidewalk surveys who grin proudly when they have trouble placing James Madison. Leno's use of the Duh attitude as popular entertainment recalls a wildly popular '40s radio offering, *It Pays to Be Ignorant*, a bent quiz show whose theme song went: "It pays to be ignorant, to be dumb, to be dense, to be ignorant, it pays to be ignorant just like me!"

This was such a playground favorite that teachers tried to ban it. At my school you got sent to the principal for singing it, but it spoke too clearly to American ideals ever to be entirely squelched. It's still being sung by such devotees of the Duh attitude as New York governor George Pataki, who derided Hillary for quoting E. B. White during her senatorial campaign.

"Mrs. Clinton," he huffed, "quoted some guy, Wyatt or somebody—I don't think he was from Brooklyn—with some definition of a New Yorker that she must have read somewhere. I don't know who that guy was. I don't know what he wrote. . . . I don't think people from Brooklyn or Peekskill would have quoted that person."

If America were ancient China this would be the Duh Dynasty, but instead of Duh vases and Duh figurines we produce Duh Republicans—they prefer "populists"—who are forever reaching out to "the real people" with the boastful assurance that it pays to be ignorant. If Pataki ever wants to read something somewhere, let it be James T. Farrell's *A World I Never Made*. He will meet Al O'Flaherty, a shanty-Irish traveling salesman from the South Side of Chicago who longs to be a gentleman. To that end he carries his well-thumbed copy of *Letters of Lord Chesterfield* everywhere he goes, quoting from it to prostitutes to reassure them that he'll treat them right.

Al O'Flaherty would break your heart. I don't know about Pataki's. **NR**

Miss King can be reached at P. O. Box 7113, Fredericksburg, Va. 22404.

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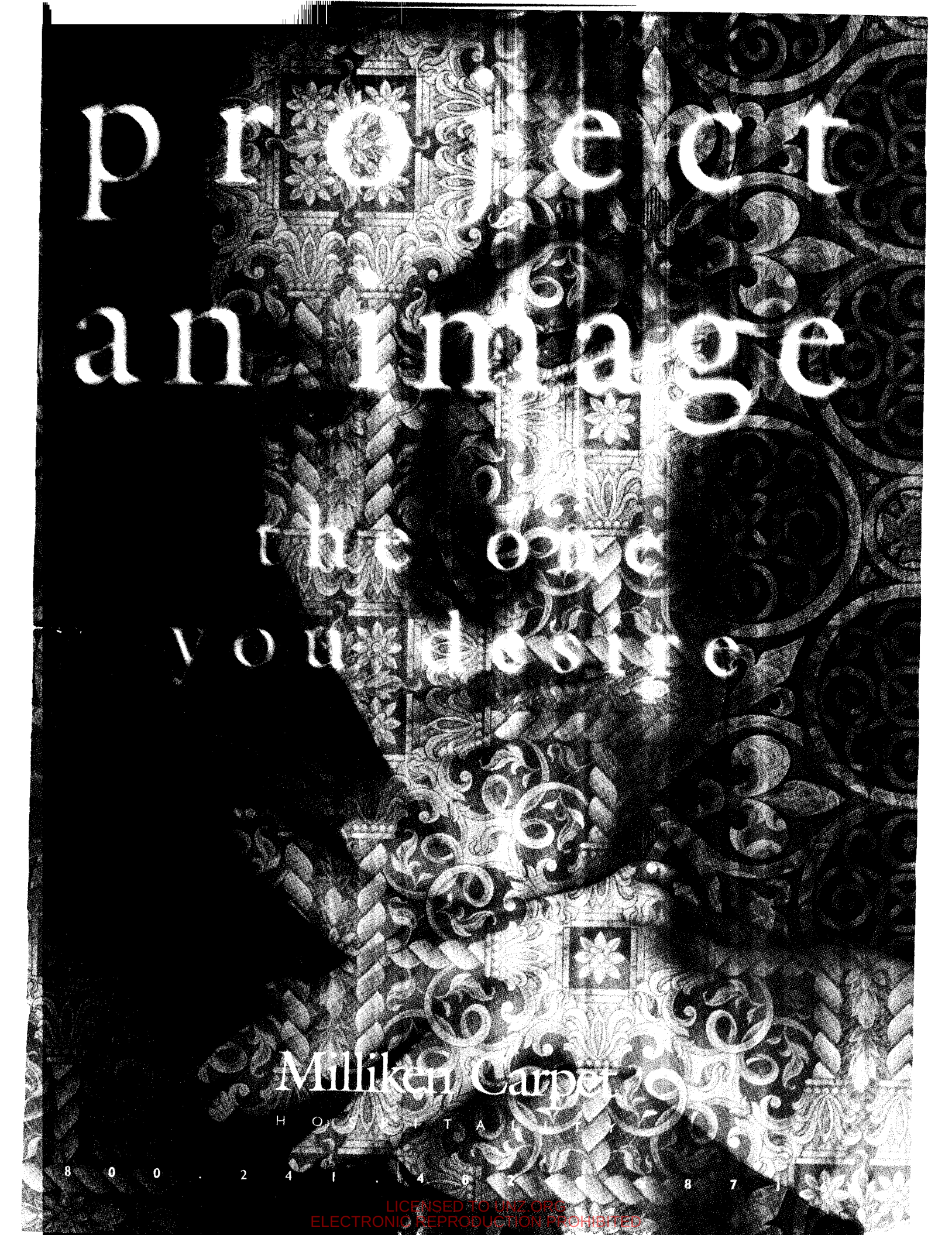

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